

SENATE No. 2203

The Commonwealth of Massachusetts

—————
In the One Hundred and Eighty-Ninth General Court
(2015-2016)
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SENATE, Thursday, March 31, 2016

The committee on Ways and Means, to whom was referred the Senate Bill to further narrow the achievement gap (Senate, No. 327),-- reports, recommending that the same ought to pass with an amendment substituting a new draft entitled “An Act enhancing reform, innovation and success in education” (Senate, No. 2203).

For the committee,
Karen E. Spilka

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An Act enhancing reform, innovation and success in education.

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. Chapter 10 of the General Laws is hereby amended by inserting after
2 section 35CCC the following section:-

3 Section 35DDD. There shall be established upon the books of the commonwealth a
4 separate fund to be known as the Innovative Education Trust Fund. The secretary of education
5 shall be the trustee of the fund and may expend monies from the fund, without further
6 appropriation; provided, however, that amounts credited to the fund shall be expended to support
7 and incentivize innovative education by enhancing Horace Mann and Innovation Schools, and,
8 provided further, that the grants provided from the fund shall be matched by private sector
9 donations at a rate of not less than \$1 for every \$1 of state funding.

10 The fund shall consist of: (i) any unexpended funds from item 7061-9011; (ii) revenue
11 from appropriations or other monies authorized by the general court and specifically designated
12 to be credited to the fund; (iii) any interest earned on monies in the fund; and (iv) any funds from
13 private sources including, but not limited to, gifts, grants and donations received by the
14 commonwealth that are specifically designated to be credited to the fund. The secretary of

15 education may incur expenses and the comptroller may certify for payments amounts in
16 anticipation of expected receipts, but no expenditure shall be made from the fund which shall
17 cause the fund to be in deficit at the close of a fiscal year. Amounts credited to the fund shall not
18 be subject to further appropriation and monies remaining in the fund at the end of a fiscal year
19 shall not revert to the General Fund. The secretary shall report annually not later than October 1
20 to the house and senate committees on ways and means on the fund's activity.

21 SECTION 2. The first paragraph of section 1E of chapter 15 of the General Laws, as
22 appearing in the 2014 Official Edition, is hereby amended by striking out the first, second and
23 third sentences and inserting in place thereof the following 2 sentences:- There shall be in the
24 department a board of elementary and secondary education which shall consist of the chair of the
25 student advisory council, the secretary of education or the secretary's designee and 9 persons to
26 be appointed by the governor. The 9 members appointed by the governor shall consist of: 1
27 representative of a labor organization selected by the governor from a list of 3 nominees
28 provided by the Massachusetts State Labor Council, AFL-CIO; 1 representative of business or
29 industry selected by the governor with a demonstrated commitment to education; 1
30 representative of parents of school children selected by the governor from a list of 3 nominees
31 provided by the Massachusetts Parent Teachers Association; 1 representative of teachers who
32 shall be a retired teacher selected by the governor from a list of 4 nominees jointly offered by the
33 Massachusetts Teachers Association and the American Federation of Teachers/Massachusetts;
34 and 5 additional members. No appointive member of said board shall be employed by or receive
35 regular compensation, not including retirement allowance, from the department of elementary
36 and secondary education, or from any school system, public or independent, in the
37 commonwealth.

38 SECTION 3. Chapter 29 of the General Laws is hereby amended by inserting after
39 section 5B the following section:-

40 Section 5B½. (a) On or before January 15 the secretary of administration and finance
41 shall meet with the house and senate committees on ways and means and shall jointly determine
42 an implementation schedule to fulfill the recommendations filed on November 2, 2015 by the
43 foundation budget review commission established under section 4 of chapter 70. The
44 implementation schedule shall establish a foundation budget as defined in section 2 of said
45 chapter 70 incorporating the categories of tuitioned-out special education rate, assumed in-school
46 special education enrollment, low-income increment, low-income enrollment, foundation
47 benefits, retired employee health insurance and English language learner increment as defined in
48 section 2 of chapter 70 over a period of 7 fiscal years; provided, however, that in the first year of
49 the term of office of a governor who has not served in the preceding year the parties shall
50 determine an implementation schedule not later than January 31 of that year. Said schedule of
51 implementation shall not exceed 7 fiscal years and shall in each fiscal year set the appropriation
52 required to fully fund the foundation budget incorporating the aforementioned categories by
53 fiscal year 2025 in equal increments for each fiscal year. In determining the schedule of
54 implementation, the secretary of administration and finance and house and senate committees on
55 ways and means shall hold a public hearing and receive testimony from the commissioner of
56 elementary and secondary education and other interested parties. The schedule may be amended
57 by agreement of the senate and house ways and means committees in any of the 7 fiscal years to
58 reflect changes in enrollment, inflation, student populations, or other factors that would affect the
59 remaining costs in the schedule; provided, however, that the final year of the schedule shall not
60 surpass fiscal year 2025, but the schedule may be fully implemented prior to fiscal year 2025.

61 The implementation schedule shall be included in a joint resolution and placed before the
62 members of the general court for their consideration. The implementation schedule shall be
63 subject to appropriation.

64 SECTION 4. The third paragraph of section 1I of chapter 69 of the General Laws, as so
65 appearing, is hereby amended by inserting after the second sentence the following sentence:-
66 When reporting outcomes on diagnostic assessments to the department, each school shall include
67 the number of students who were enrolled in the school on the first day of the school year and
68 unenrolled from the school prior to administration of the assessments.

69 SECTION 5. The fifth paragraph of said section 1I of said chapter 69, as so appearing, is
70 hereby amended by inserting after the first sentence the following sentence:- When evaluating
71 public schools, school districts, teachers or administrators in a given year, the board shall not
72 consider the student performance data of students who have withdrawn from 1 school and
73 enrolled in another school during that year or the student performance data of students whose
74 formal education has been substantially interrupted during the previous 3 years.

75 SECTION 6. Said section 1I of said chapter 69, as so appearing, is hereby further
76 amended by inserting after the fourteenth paragraph the following paragraph:-

77 The department shall annually review and report on the amount each school district
78 expends on administration as a percentage of total annual costs by December 31. The department
79 shall develop target percentages and standards for administrative costs.

80 SECTION 7. Section 1J of said chapter 69, as so appearing, is hereby amended by
81 striking out subsection (a) and inserting in place thereof the following 2 subsections:-

82 (a) Prior to October 1, the commissioner of elementary and secondary education may, on
83 the basis of (i) student performance data collected pursuant to section 1I, (ii) a school or district
84 review performed under section 55A of chapter 15 or (iii) regulations adopted by the board of
85 elementary and secondary education, designate 1 or more schools in a school district other than a
86 Horace Mann charter school as a priority, underperforming or chronically underperforming
87 school. The board shall adopt regulations establishing standards for the commissioner to make
88 such designations on the basis of data collected pursuant to section 1I or information from a
89 school or district review performed under section 55A of chapter 15. Upon the release of the
90 proposed regulations, the board shall file a copy the proposed regulations with the clerks of the
91 senate and house of representatives who shall forward the regulations to the joint committee on
92 education. Within 30 days of the filing, the joint committee may hold a public hearing and issue
93 a report on the regulations and file the report with the board. The board, pursuant to applicable
94 law, may adopt final regulations making revisions to the proposed regulations as it deems
95 appropriate after consideration of the report and shall immediately file a copy of the regulations
96 with the chairs of the joint committee on education. Not earlier than 30 days from the filing, the
97 board shall file the final regulations with the state secretary. Schools that score in the lowest 20
98 per cent statewide among schools serving common grade levels on a single measure developed
99 by the department that takes into account student performance data and improvement in student
100 academic performance, shall be deemed eligible for designation as a priority, underperforming or
101 chronically underperforming school; provided, however, that any school designated as a priority
102 school shall be drawn from those schools most likely to be designated as underperforming. Not
103 more than 4 per cent of the total number of public schools may be designated as a priority,
104 underperforming or chronically underperforming school at any given time.

105 In adopting regulations allowing the commissioner to designate a school as a priority,
106 underperforming or chronically underperforming school, the board shall ensure that such
107 regulations take into account multiple indicators of school quality in making such designations,
108 including, but not limited to: student attendance rates, dismissal rates and exclusion rates,
109 promotion rates, graduation rates or the lack of demonstrated significant improvement for at least
110 2 consecutive years in core academic subjects, either in the aggregate or among subgroups of
111 students, including designations based on special education, low-income, English language
112 proficiency, and racial or ethnic classifications.

113 Before a school is designated as chronically underperforming by the commissioner, a
114 school shall have been designated as underperforming and failed to improve.

115 A priority, underperforming or chronically underperforming school described in the
116 following subsections shall operate in accordance with laws regulating other public schools,
117 except as such provisions may conflict with this section or any turnaround plans created
118 thereunder. A student who is enrolled in a school at the time it is designated as a priority,
119 underperforming or chronically underperforming school may elect to remain enrolled in the
120 school while remaining a resident of the district if the student chooses to do so.

121 (a $\frac{1}{2}$) (1) Within 15 days of the commissioner's designating a school as a priority
122 school, the school committee and the local teachers union shall meet to negotiate a waiver
123 agreement, if necessary, which shall identify any provisions of the collective bargaining
124 agreement that would be subject to a waiver upon a 2/3 vote of the teachers working at least 50
125 per cent of the time in the designated priority school. Such waivers shall be designed to permit
126 the implementation of a turnaround plan and may include provisions that are inconsistent with

127 the existing collective bargaining agreement. Such negotiations shall be completed not later than
128 30 days from the date the commissioner designated the school as a priority school and the parties
129 shall not be eligible for relief under section 9 of chapter 150E. If the school committee and the
130 union fail to reach an agreement, the process provided in this subsection shall be terminated and
131 the commissioner may designate the school as underperforming pursuant to subsection (a).

132 Within 15 days of the completion of the waiver negotiation process, the superintendent
133 shall convene a local stakeholder group to develop a turnaround plan for the school. The local
134 stakeholder group shall include: (i) the superintendent, or a designee; (ii) the chair of the school
135 committee, or a designee; (iii) the president of the local teacher's union, or a designee; (iv) an
136 administrator from the school, who may be the principal, chosen by the superintendent; (v) 2
137 educators chosen by the faculty of the school, 1 of whom shall be a classroom teacher and 1 of
138 whom shall be a certified non-teaching professional from the school; (vi) a parent member of the
139 school council, established pursuant to section 59C of chapter 71, chosen by the school council;
140 (vii) not less than 1 representative of applicable state and local social service, health and child
141 welfare agencies chosen by the superintendent; and (viii) as deemed appropriate by the
142 superintendent, 1 or more representatives of state and local workforce development agencies,
143 chosen by the superintendent. Meetings of the local stakeholder group shall be open to the
144 public.

145 (2) In creating the turnaround plan, the local stakeholder group shall, to the extent
146 practicable, base the plan on student outcome data, including, but not limited to: (i) data
147 collected pursuant to section 1I or information from a school or district review performed under
148 section 55A of chapter 15; (ii) student achievement on the statewide assessment system approved
149 by the board under section 1I; (iii) other measures of student achievement, approved by the

150 commissioner; (iv) student promotion and graduation rates; (v) achievement data for different
151 subgroups of students, including low-income students as defined in section 2 of chapter 70,
152 limited English proficient students and students receiving special education; and (vi) student
153 attendance, dismissal rates and exclusion rates.

154 In creating the turnaround plan, the local stakeholder group shall consider the following:
155 (i) steps to address the social service and health needs of students at the school and their families,
156 to help ensure students arrive and remain at school ready to learn; provided, that such services
157 may include mental health and substance use screening; (ii) steps to improve or expand child
158 welfare services and, as appropriate, law enforcement services in the school community, in order
159 to promote a safe and secure learning environment; (iii) steps to improve workforce development
160 services provided to students and their families at the school, to provide students and families
161 with meaningful employment skills and opportunities; (iv) steps to address achievement gaps for
162 limited English-proficient, special education and low-income students; and (v) notwithstanding
163 chapter 71A, alternative English language learning programs for limited English proficient
164 students. The school committee may retain such programs after the school is no longer
165 designated a priority school. The secretary of health and human services, the secretary of labor
166 and workforce development and the secretary of public safety and security and other applicable
167 state and local social service, health and child welfare officials shall coordinate with the
168 superintendent to support and implement the strategies established pursuant to clauses (i) to (iii),
169 inclusive, that are included in a final turnaround plan and shall, subject to appropriation,
170 reasonably support the implementation, which shall be consistent with the requirements of all
171 state and federal law applicable to the relevant programs to be administered. The secretary of
172 education shall assist the superintendent in facilitating the coordination.

173 To assess the school across multiple measures of school performance and student
174 success, the turnaround plan shall include measurable annual goals including, but not limited to:
175 (i) student attendance, dismissal rates and exclusion rates; (ii) student safety and discipline; (iii)
176 student promotion, graduation and dropout rates; (iv) student achievement on the statewide
177 assessment system approved by the board under section 11; (v) progress in improving areas of
178 academic underperformance; (vi) progress among subgroups of students, including low-income
179 students as defined in section 2 of chapter 70, limited English proficient students and students
180 receiving special education; (vii) reduction of achievement gaps among different groups of
181 students; (viii) student acquisition and mastery of STEM-related; (ix) development of college
182 and career readiness, including at the elementary and middle school levels; (x) parent and family
183 engagement; (xi) building a culture of academic success among students; (xii) building a culture
184 of student support and success among school faculty and staff; and (xiii) developmentally
185 appropriate child assessments from pre-kindergarten through third grade, if applicable.

186 (3) The plan shall: maximize the rapid achievement of students at the school by
187 addressing the conditions for school effectiveness as determined by the department; identify the
188 specific provisions of the collective bargaining agreement that shall be waived in order to
189 implement the plan developed under paragraph (1); and describe the process and schedule for
190 seeking approval of the plan by the teachers in the school pursuant to paragraph (5).

191 Notwithstanding any general or special law to the contrary, the turnaround plan may
192 include provisions that allow the superintendent to: (i) expand, alter or replace the curriculum
193 and program offerings of the school, including the implementation of research-based early
194 literacy programs, early interventions for struggling readers and the teaching of advanced
195 placement courses or other rigorous nationally or internationally recognized courses, if the

196 school does not already have such programs or courses; (ii) reallocate the uses of the existing
197 budget of the school; (iii) provide additional funds to the school from the budget of the district, if
198 the school does not receive funding from the district at least equal to the average per pupil
199 funding received for students of the same classification and grade level in the district; (iv)
200 provide funds, subject to appropriation, to expand the length of the school's day, year or both;
201 (v) limit, suspend or change 1 or more school district policies or practices that relate to improved
202 student performance and achievement at the school; (vi) for an elementary school, add pre-
203 kindergarten and full-day kindergarten classes, if the school does not already have such classes;
204 (vii) include a provision of job-embedded professional development for teachers at the school,
205 with an emphasis on strategies that involve teacher input and feedback; (viii) provide for
206 increased opportunities for teacher planning time and collaboration, including professional
207 learning communities focused on improving student instruction; (ix) establish a plan for
208 professional development for administrators at the school, with an emphasis on strategies that
209 develop leadership skills and use the principles of distributive leadership; (x) redesign and
210 refocus the use of existing teacher preparation periods in the school to ensure that such
211 preparation period is utilized to improve student instruction with an emphasis on improved
212 student performance and achievement at the school; (xi) develop a strategy to search for and
213 study best practices in areas of demonstrated deficiency in the school; (xii) establish strategies to
214 address student attendance, mobility and transiency among the student population of the school;
215 and (xiii) use formative and summative assessments to track student progress and to inform the
216 instructional strategies employed in the classroom. The plan may also include a financial plan for
217 the school based on additional funds provided by the district, state, federal government, private
218 foundations or other sources and may include a process for modifying the plan.

219 For a school with limited English proficient students, the professional development and
220 planning time for teachers and administrators shall include specific strategies and content
221 designed to maximize the rapid academic achievement of limited English proficient students at
222 the school.

223 (4) The local stakeholder group shall submit an initial turnaround plan to the
224 school committee within 30 days of its initial meeting. The school committee may propose
225 modifications to the turnaround plan and shall submit any proposed modifications to the
226 superintendent within 10 days of receiving the initial plan. The superintendent shall consider and
227 may incorporate, alter or reject the proposed modifications submitted by the school committee
228 and may propose additional modifications to the plan. Within 15 days of receiving any proposed
229 modifications from the school committee, the superintendent shall issue the final turnaround plan
230 for the school; provided, however, that if the plan requires any waiver of provisions of the
231 collective bargaining agreement beyond those authorized by the negotiated agreement pursuant
232 to paragraph (1), the school committee and the local teachers union shall meet to negotiate
233 additional waivers. Such negotiations shall be completed within 15 days and the parties shall not
234 be eligible for relief under section 9 of chapter 150E. If the school committee and the union fail
235 to reach an agreement, the process provided in this subsection shall be terminated and the
236 commissioner may designate the school as underperforming pursuant to subsection (a).

237 (5) The superintendent shall submit the final turnaround plan to the school
238 committee and the teachers in the school for approval and shall forward a copy of the plan to the
239 commissioner. A 2/3 vote of the teachers, including teachers on approved leave, shall be required
240 to approve the plan and shall be conducted by the local teachers union. A copy of the plan shall
241 be provided to the faculty at least 5 days in advance of an informational meeting, which shall be

242 held at least 5 days in advance of the vote. The vote shall be by secret ballot. For the purposes of
243 the vote, a teacher shall be any person working at least 50 per cent of the time in the designated
244 priority school under a license listed in 603 CMR 7.04 (3) (a), (b) or (d). A teacher on an
245 approved leave at the time of the election may vote in such election. A teacher (i) who has prior
246 to such vote given notice to leave the school the following year because of retirement,
247 resignation, voluntary transfer or any other reason or (ii) who has received notice to leave the
248 school the following year because of involuntary transfer, dismissal or any other reason shall not
249 be eligible to vote on whether to approve the plan. If a final turnaround plan is not approved
250 within the time frame provided in this subsection, the process provided in this subsection shall be
251 terminated and the commissioner may designate the school as underperforming pursuant to
252 subsection (a). Each turnaround plan shall be authorized for a period of not more than 2 years.
253 The superintendent, as applicable, shall be responsible for meeting the goals of the plan.

254 (6) Each school designated by the commissioner as a priority school pursuant to
255 this subsection shall be reviewed by the superintendent, in consultation with the principal of the
256 school, not less frequently than annually. The purpose of the review shall be to determine
257 whether the school has met the annual goals in its turnaround plan and to assess the overall
258 implementation of the plan. The review shall be in writing, shall be submitted to the relevant
259 school committee, not later than July 1 for the preceding school year, and shall be available to
260 the public on the school district's website.

261 If the superintendent, in consultation with the principal of the school, determines that the
262 school has met the annual performance goals stated in the turnaround plan, the review shall be
263 considered sufficient and the implementation of the turnaround plan shall continue. If the
264 superintendent determines that the school has not met 1 or more goals in the turnaround plan and

265 that the failure to meet the goals may be corrected through reasonable modification of the plan,
266 the superintendent may reconvene the local stakeholder group and may amend the turnaround
267 plan in a manner consistent with the requirements of paragraphs (1) to (5), inclusive; provided,
268 however, that if a turnaround plan includes a process for modifying the plan, such modifications
269 shall be implemented under the plan.

270 (7) Not more than 2 years after the designation of a school as a priority school, the
271 commissioner shall determine whether the school has improved sufficiently, requires further
272 improvement or has failed to improve. The commissioner may determine that: (i) the school has
273 improved sufficiently for the designation of the school as a priority school to be removed; (ii) the
274 school has improved, but has not improved sufficiently for the designation of the school as a
275 priority school to be removed, in which case the superintendent may, with the approval of the
276 commissioner, reconvene the local stakeholder group to renew the plan or creating a new or
277 modified plan for an additional period of not more than 2 years, consistent with the requirements
278 of paragraphs (1) to (5), inclusive; or (iii) consistent with the requirements of subsection (a), the
279 school is underperforming.

280 SECTION 8. Said section 1J of said chapter 69, as so appearing, is hereby further
281 amended by inserting after the word “System”, in lines 101, 144, 451 and 492, each time it
282 appears, the following words:- , or any successor statewide assessment system approved by the
283 board pursuant to section 1I.

284 SECTION 9. Said section 1J of said chapter 69, as so appearing, is hereby further
285 amended by inserting after the figure “chapter 71A”, in line 123, the following words:- ;

286 provided, however, that the school committee may retain the programs after the school is no
287 longer designated as underperforming.

288 SECTION 10. Said section 1J of said chapter 69, as so appearing, is hereby further
289 amended by inserting after the word “government”, in lines 125 and 475, each time it appears,
290 the following words:-, private foundations.

291 SECTION 11. Said section 1J of said chapter 69, as so appearing, is hereby further
292 amended by striking out, in line 217, the words “or chronically underperforming”.

293 SECTION 12. Said section 1J of said chapter 69, as so appearing, is hereby further
294 amended by inserting after the word “issues”, in line 290, the following word:- to.

295 SECTION 13. Subsection (l) of said section 1J of said chapter 69, as so appearing, is
296 hereby amended by adding the following sentence:- Until the commissioner makes the
297 determination required under this section and any new or amended turnaround plan is approved,
298 the terms of the expired turnaround plan shall remain in effect.

299 SECTION 14. Said section 1J of said chapter 69, as so appearing, is hereby further
300 amended by inserting after the figure “chapter 71A”, in line 473, the following words:- ;
301 provided, however, that the school committee may retain the programs after the school is no
302 longer designated as chronically underperforming.

303 SECTION 15. Said section 1J of said chapter 69, as so appearing, is hereby further
304 amended by striking out, in line 536, the words “regarding his” and inserting in place thereof the
305 following words:-or, if 1 has been appointed pursuant to subsection (r), the school’s receiver
306 regarding the superintendent’s or receiver’s.

307 SECTION 16. Said section 1J of said chapter 69, as so appearing, is hereby further
308 amended by striking out, in line 558, the word “commissioner” and inserting in place thereof the
309 following words:- superintendent or, if 1 has been appointed pursuant to subsection (r), the
310 school’s receiver.

311 SECTION 17. Said section 1J of said chapter 69, as so appearing, is hereby further
312 amended by striking out, in line 559, the figure “(7)” and inserting in place thereof the following
313 figure:- (8).

314 SECTION 18. Said section 1J of said chapter 69, as so appearing, is hereby further
315 amended by striking out, in line 568, the words “underperforming or”.

316 SECTION 19. Said section 1J of said chapter 69, as so appearing, is hereby further
317 amended by striking out, in lines 571 and 572, the words “commissioner or superintendent” and
318 inserting in place thereof the following words:- superintendent or receiver .

319 SECTION 20. Subsection (s) of said section 1J of said chapter 69, as so appearing, is
320 hereby amended by adding the following 2 sentences:- Following the annual appropriation of the
321 school district's operating budget, the amount approved for the operation of each chronically
322 underperforming school shall be available for expenditure by the superintendent or the external
323 receiver for any lawful purpose. A chronically underperforming school shall not expend or incur
324 obligations in excess of its budget; provided, however, that a chronically underperforming school
325 may spend federal and state grants and other funds received independently of its operating
326 budget without approval from the school committee or by the superintendent if a receiver has
327 been appointed.

328 SECTION 21. Said section 1J of said chapter 69, as so appearing, is hereby amended by
329 striking out, in lines 749 and 750, and in line 751, the words “an underperforming” and inserting
330 in place thereof, in each instance, the following words:- a priority, underperforming,.

331 SECTION 22. Said section 1J of said chapter 69, as so appearing, is hereby further
332 amended by striking out, in line 762, the words “district previously designated as” and inserting
333 in place thereof the following words:- school previously designated as underperforming or.

334 SECTION 23. Said section 1J of said chapter 69, as so appearing, is hereby further
335 amended by striking out, in line 769, the word “underperforming” and inserting in place thereof
336 the following words:- priority, underperforming.

337 SECTION 24. The second paragraph of subsection (a) of section 1K of said chapter 69,
338 as so appearing, is hereby amended by adding the following sentence:- At the request of the
339 commissioner, the secretary of administration and finance shall appoint a chief procurement
340 officer for a district designated as chronically underperforming.

341 SECTION 25. Said section 1K of said chapter 69, as so appearing, is hereby further
342 amended by striking out, in line 54, the word “an” and inserting in place thereof the following
343 word:- a.

344 SECTION 26. Said section 1K of said chapter 69, as so appearing, is hereby further
345 amended by inserting after the word “System”, in lines 99 and 140, the following words:- , or
346 any successor statewide assessment system approved by the board pursuant to section 1I.

347 SECTION 27. Said section 1K of said chapter 69, as so appearing, is hereby further
348 amended by inserting after the figure “71A”, in line 121, the following words:- ; provided,

349 however, that the school committee may retain the programs after the school is no longer
350 designated as chronically underperforming.

351 SECTION 28. Said section 1K of said chapter 69, as so appearing, is hereby further
352 amended by striking out, in line 129, the word “an” and inserting in place thereof the following
353 word:- a.

354 SECTION 29. Said section 1K of said chapter 69, as so appearing, is hereby further
355 amended by striking out, in lines 181 and 182, the words “reapplications. turnaround plan” and
356 inserting in place thereof the following word:- reapplications.

357 SECTION 30. Said section 1K of said chapter 69, as so appearing, is hereby further
358 amended by striking out, in lines 204, 240 and 247, the word “commissioner” and inserting in
359 place thereof, in each instance, the following word:- receiver.

360 SECTION 31. Said section 1K of said chapter 69, as so appearing, is hereby further
361 amended by striking out, in lines 217 and 218, the words “commissioner/superintendent” and
362 inserting in place thereof the following word:- receiver.

363 SECTION 32. Said section 1K of said chapter 69, as so appearing, is hereby further
364 amended by striking out, in line 239, the word “if” and inserting in place thereof the following
365 word:- If.

366 SECTION 33. Said section 1K of said chapter 69, as so appearing, is hereby further
367 amended by striking out, in lines 293 and 303, the words “ subsection (g)” and inserting in place
368 thereof, in each instance, the following words:- subsection (h).

369 SECTION 34. Said section 1K of said chapter 69, as so appearing, is hereby further
370 amended by striking out, in line 355, the words “ subsection (h)” and inserting in place thereof
371 the following words:- subsection (i).

372 SECTION 35. Section 2 of chapter 70 of the General Laws, as so appearing, is hereby
373 amended by striking out the definition of “Assumed in-school special education enrollment” and
374 inserting in place thereof the following definition:-

375 “Assumed in-school special education enrollment”, 4 per cent of total foundation
376 enrollment in a district not counting vocational or preschool enrollment, plus 5 per cent of
377 vocational enrollment.

378 SECTION 36. Said section 2 of said chapter 70, as so appearing, is hereby further
379 amended by striking out the definition of “Foundation benefits” and inserting in place thereof the
380 following definition:-

381 “Foundation benefits”, the amount allotted within a district’s foundation budget for the
382 purchase of retired employee health insurance, employee benefits and other insurance in any
383 fiscal year; provided, however, that the foundation benefits shall be the sum of the following:

384 (i) \$4,320 multiplied by the wage adjustment factor or the employee health insurance
385 rate, whichever is less, multiplied by the sum of the foundation teaching staff, the foundation
386 support staff, the foundation assistants, the foundation principals, the foundation clerical staff,
387 the foundation health care staff, the foundation central office professional staff and the
388 foundation custodial staff; plus

389 (ii) \$460 multiplied by the sum of the foundation teaching staff, the foundation support
390 staff, the foundation assistants, the foundation principals, the foundation clerical staff, the
391 foundation health care staff, the foundation central office professional staff and the foundation
392 custodial staff; plus

393 (iii) \$230 multiplied by the foundation vocational staff; plus

394 (iv) the retired employee health insurance rate multiplied by the number of retired
395 employees.

396 SECTION 37. Said section 2 of said chapter 70, as so appearing, is hereby further
397 amended by inserting after the word “allotment,” in line 188, the second time it appears, the
398 following words:- English language learner increment, low-income increment.

399 SECTION 38. Said section 2 of said chapter 70, as so appearing, is hereby further
400 amended by inserting after the definition of “District” the following 2 definitions:-

401 “Employee health insurance rate”, the average group insurance commission premium for
402 all plans for the 3 previous fiscal years; provided, however, that the group insurance commission
403 shall annually, on or before June 30, provide the department with data necessary for the
404 determination of such rate or any increase thereof.

405 “English language learner increment”, the amount allotted within a district for English
406 language learners, as defined in section 3 of chapter 71A, including students enrolled in
407 vocational-technical schools. The English language learner increment shall be determined by
408 multiplying the number of English language learners within in a district by \$2,361 in fiscal year
409 2019, adjusted annually thereafter according to the foundation inflation index.

410 SECTION 39. Said section 2 of said chapter 70, as so appearing, is hereby further
411 amended by inserting after the definition of “Low-income enrollment” the following definition:-

412 “Low-income increment”, the amount allotted within a district for each student with a
413 family income at or below 185 per cent of the federal poverty level. The department shall rank
414 each district and divide the districts into septiles; provided, however, that each district shall be
415 assigned a low-income septile based on its low income percentage which shall be calculated as
416 its number of low-income students divided by the total foundation enrollment; provided further,
417 that each septile shall be assigned a low-income rate where the rate for the lowest percentage
418 septile shall be \$3,474 and each subsequent septile shall increase by equal amounts up to the
419 highest percentage septile rate of \$8,179; and provided further, that beginning in fiscal year
420 2019, the rates for each septile shall be annually adjusted according to the foundation inflation
421 index.

422 SECTION 40. Said section 2 of said chapter 70, as so appearing, is hereby further
423 amended by inserting after the definition of “Professional development allotment” the following
424 2 definitions:-

425 “Retired employee”, an employee of a school district who retired while employed by that
426 district and who receives health insurance benefits through that district.

427 “Retired employee health insurance rate”, the average group insurance commission
428 premium for all retiree plans for the 3 previous fiscal years; provided, however, that the group
429 insurance commission shall annually, on or before June 30, provide the department with data
430 necessary for the determination of such rate or any increase thereof.

431 SECTION 41. Said section 2 of said chapter 70, as so appearing, is hereby further
432 amended by inserting after the definition of “Total foundation staff” the following definition:-

433 “Tuitioned-out special education rate”, 4 times the statewide foundation budget per-pupil
434 amount less the sum of the statewide foundation budget per-pupil amount and out-of-district
435 special education cost rate; provided, however, that the fiscal year 2018 value shall become the
436 base rate and shall be annually adjusted according to the foundation inflation index.

437 SECTION 42. Section 15 of chapter 70B of the General Laws, as so appearing, is hereby
438 amended by striking out, in line 68, the words “lease at” and inserting in place thereof the
439 following words:- lease, in whole or in part, at.

440 SECTION 43. Chapter 71 of the General Laws is hereby amended by striking out section
441 14, as so appearing, and inserting in place thereof the following section:-

442 Section 14. A city, by a majority vote of its council or board of aldermen and a majority
443 vote of the school committee, or any town, either by a majority vote of its board of selectmen
444 and a majority vote of the school committee or by vote in town meeting, may create a special
445 unpaid regional school district planning committee, to consist of 3 members, 1 of whom shall be
446 a member of the school committee who shall be appointed by the moderator. At the same
447 meeting or at a subsequent meeting, the city or town may appropriate for the expense of the
448 regional school district planning committee such sums, not exceeding 1/10 of 1 per cent of the
449 assessed valuation of such city or town in the preceding year, as it may deem necessary. A
450 regional school district planning committee from 1 municipality may join with other
451 municipalities to form a regional school district planning board. Such regional school district

452 planning board shall organize forthwith upon its formation by the election of a chairman and
453 secretary-treasurer,

454 SECTION 44. Section 14A of said chapter 71 of the General Laws, as so appearing, is
455 hereby amended by inserting before the word “towns”, in line 11, the following words:- cities or.

456 SECTION 45. Said chapter 71 is hereby further amended by striking out section 14B, as
457 so appearing, and inserting in place thereof the following section:-

458 Section 14B. (a) The regional district planning board may recommend the establishment
459 of a regional school district which may include all the cities or towns represented by its
460 membership, or alternatively, any specified combination of such cities or towns. If the regional
461 district planning board so recommends, it shall submit a proposed agreement or agreements
462 setting forth as to each alternative recommendation, if such be made, the following:

463 (i) the number, composition, method of selection, and terms of office of the
464 members of the regional district school committee;

465 (ii) the cities, towns or general area within which the regional district school or
466 schools shall be located;

467 (iii) the type of regional district school or schools; provided, however, that
468 without limiting the generality of the foregoing, the type of regional school may, if it is so stated
469 in the agreement, consist of a vocational school or schools offering such kinds of education as
470 may be provided by cities or towns under chapter 74; provided, further, that any other type of
471 regional school may, if it is so stated in the agreement, offer said kinds of education; and
472 provided further, that a city or town may simultaneously be a member of a vocational regional

473 school district and any other type of regional school district but when a vocational regional
474 school district is in operation, no member city or town of such district, and no other type of
475 regional school district of which such a city or town is a member shall, without the approval of
476 the commissioner of education, offer the same kinds of education as offered by the vocational
477 regional school district;

478 (iv) the method of apportioning the expenses of the regional school district, and
479 the method of apportioning the costs of school construction, including any interest and retirement
480 of principal of any bonds or other obligations issued by the district among the several cities or
481 towns comprising the district, and the time and manner of payment of the shares of the several
482 cities or towns of any such expense;

483 (v) the method by which school transportation shall be provided, and if such
484 transportation is to be furnished by the district, the manner in which the expenses shall be borne
485 by the several cities or towns;

486 (vi) the terms by which any city or town may be admitted to or separated from the
487 regional school district; provided, however, that in the case of admission such terms shall not be
488 inconsistent with section 16 of chapter 645 of the acts of 1948;

489 (vii) the method by which the agreement may be amended;

490 (viii) the detailed procedure for the preparation and adoption of an annual budget;

491 and

492 (ix) any other matters, not incompatible with law, which the said board may deem
493 advisable.

494 (b) Copies of any agreements prepared pursuant to subsection (a) shall be submitted to
495 the department of elementary and secondary education, and subject to its approval, to the several
496 cities and towns for their acceptance.

497 SECTION 46. Section 16 of said chapter 71, as so appearing, is hereby amended by
498 striking out, in line 161, the word “ten” and inserting in place thereof the following figure:- 30.

499 SECTION 47. Said section 16 of said chapter 71 of the General Laws, as so appearing, is
500 hereby amended by adding the following clause:-

501 (s) to serve as the fiscal agent when the regional school district and any towns or
502 superintendency unions have hired the same superintendent and central office staff; provided,
503 however, that the regional school district and school committees of the member municipalities
504 shall enter into a written agreement regarding billing for the payment for services and personnel.

505 SECTION 48. Section 37H of said chapter 71 as so appearing, is hereby amended by
506 inserting, after the word “policies”, in line 13, the following words:- shall be publicly available
507 on the school district’s website and.

508 SECTION 49. Said section 37H of said chapter 71, as so appearing, is hereby further
509 amended by inserting after the third paragraph the following paragraph:-

510 For the purposes of this section, a commonwealth charter school shall be considered a
511 school district.

512 SECTION 50. Clause (1) of section 37H ½ of said chapter 71, as so appearing, is hereby
513 amended by striking out the last sentence and inserting in place thereof the following sentence:-

514 The decision shall be delivered in writing to the student and to the student's parents or
515 guardian, and shall be the final decision of the city, town, regional school district or charter
516 school with regard to the suspension.

517 SECTION 51. Clause (2) of section 37H½ of said chapter 71, as so appearing, is hereby
518 amended by striking out the tenth sentence and inserting in place thereof the following sentence:-

519 Such decision shall be delivered in writing to the student and to the student's parents or
520 guardian, and shall be the final decision of the city, town, regional school district or charter
521 school with regard to the expulsion.

522 SECTION 52. Said section 37H ½ of said chapter 71, as so appearing, is hereby further
523 amended by striking out the last paragraph and inserting in place thereof the following
524 paragraph:-

525 A school district or commonwealth charter school that suspends or expels a student under
526 this section shall continue to provide educational services to the student during the period of
527 suspension or expulsion as provided in section 21 of chapter 76. If the student moves to another
528 district or charter school during the period of suspension or expulsion, the new district of
529 residence or charter school shall either admit the student to its schools or provide educational
530 services to the student under an education service plan pursuant to said section 21 of said chapter
531 76.

532 SECTION 53. Said section 37H ½ of said chapter 71, as so appearing, is hereby further
533 amended by adding the following subsection:-

534 (3) Each commonwealth charter school shall establish a panel consisting of 3 members of
535 the board of trustees to hear appeals of disciplinary actions taken by the charter school, 1 of
536 whom shall be the representative of the district school committee and 2 other members who shall
537 be appointed by the chairperson of the board of trustees. Unless otherwise provided in this
538 section, the panel shall have the same rights and responsibilities as a superintendent in hearing
539 appeals and issuing final decisions. A notice appealing a decision of a charter school principal or
540 headmaster to suspend or expel a student shall be directed to the chairperson of the board of
541 trustees who shall provide the notice to the members of the panel and ensure a timely hearing
542 and final decision. Meetings of the panel shall not be subject to the requirements of sections 18
543 to 25 of chapter 30A.

544 SECTION 54. Section 37H³/₄ of said chapter 71, as so appearing, is hereby amended by
545 striking out, in lines 2 and 3, the words “in the commonwealth” and inserting in place thereof
546 the following words:- , including a district or commonwealth charter school.

547 SECTION 55. Section 37H³/₄ of chapter 71, as so appearing, is hereby amended by
548 adding the following 2 subsections:-

549 (g) No school district or charter school shall suspend or expel a student from school on
550 the basis of academic performance.

551 (h) Each commonwealth charter school shall establish a panel consisting of 3 members of
552 the board of trustees to hear appeals of disciplinary actions taken by the charter school, 1 of
553 whom shall be the representative of the district school committee and 2 others who shall be
554 appointed by the chairperson of the board of trustees. Unless otherwise stated in this section, the
555 panel shall have the same rights and responsibilities as a superintendent in hearing appeals and

556 issuing final decisions. A notice appealing a decision of a charter school principal or headmaster
557 to suspend or expel a student shall be directed to the chairperson of the board of trustees who
558 shall provide the notice to the members of the panel and ensure a timely hearing and final
559 decision. Meetings of the panel shall not be subject to the requirements of sections 18 to 25 of
560 chapter 30A.

561 SECTION 56. Subsection (a) of section 89 of said chapter 71, as so appearing, is hereby
562 amended by striking out the definition of “Board” and inserting in place thereof the following 2
563 definitions:-

564 “At-risk student”, any student enrolled in grades 7 through 12 who is identified as “high-
565 risk” according to the early warning indicator index, or any successor data collection and
566 tracking system developed by the department to identify and track students at risk of not
567 graduating on time.

568 “Board”, the board of elementary and secondary education.

569 SECTION 57. The first paragraph of subsection (c) of said section 89 of said chapter 71,
570 as so appearing, is hereby amended by inserting after the first sentence the following 2
571 sentences:-

572 Each board of trustees shall consist of not fewer than 5 members and not greater than 20
573 members, as provided for in the application and approved by the board, 1 of whom shall be a
574 full-time teacher at the commonwealth charter school elected by teachers at the school, who shall
575 be a voting member; 1 of whom shall be an elected or appointed member of the school
576 committee from the sending district or a designee, who shall be a voting member and who shall
577 be chosen by the district school committee; provided, however, that the board of trustees for a

578 regional charter school shall include 1 school committee member from 1 of the sending districts
579 that make up the region served by the charter school who shall be chosen jointly by the school
580 committees of the sending districts; and 25 per cent of the total membership or 2 members,
581 whichever is greater, shall be parents or guardians of students currently enrolled at the
582 commonwealth charter school elected as parent-guardian representatives by parents or
583 guardians, who shall be voting members; provided, however, that each board of trustees for a
584 commonwealth charter high school shall also include 1 member who is a student currently
585 enrolled at the commonwealth charter high school elected by students at the school, who shall be
586 a voting member; and provided, further, that any of the specific designations on the board of
587 trustees may be waived where best efforts have been made but failed to identify a designee. All
588 elections or appointments to the commonwealth charter school board of trustees shall serve for
589 an established term of years as stated in the application to establish the commonwealth charter
590 school, provided, however, that a person elected or appointed to fill a vacancy shall serve only
591 for the remainder of the unexpired term; and provided, further, that members may be elected or
592 appointed for more than 1 term.

593 SECTION 58. The second paragraph of said subsection (c) of said section 89 of said
594 chapter 71 is hereby amended by striking out the last sentence and inserting in place thereof the
595 following sentences:-

596 Each board of trustees shall consist of not fewer than 5 members and not greater than 20
597 members, as provided for in the application and approved by the board, 1 of whom shall be a
598 full-time teacher at the Horace Mann charter school elected by teachers at the school, who shall
599 be a voting member; 1 of whom shall be an elected or appointed member of the school
600 committee from the sending district or a designee, who shall be a voting member and who shall

601 be chosen by the district school committee provided, however, that the board of trustees for a
602 regional charter school shall include 1 school committee member from 1 of the sending districts
603 that make up the region served by the charter school who shall be chosen jointly by the school
604 committees of the sending districts; ; and 25 per cent of the total membership or 2 members,
605 whichever is greater, shall be parents or guardians of students currently enrolled at the Horace
606 Mann charter school elected as parent-guardian representatives by parents or guardians, who
607 shall be voting members; provided, however, that each board of trustees for a Horace Mann
608 charter high school shall also include 1 member who is a student currently enrolled at the Horace
609 Mann charter high school elected by students at the school, who shall be a voting member; and
610 provided, further, that any of the specific designations on the board of trustees may be waived
611 where best efforts have been made but failed to identify a designee. All elections or
612 appointments to the Horace Mann charter school board of trustees shall serve for an established
613 term of years as stated in the application to establish the Horace Mann charter school, provided,
614 however, that a person elected or appointed to fill a vacancy shall serve only for the remainder of
615 the unexpired term; and provided, further, that members may be elected or appointed for more
616 than 1 term.

617 SECTION 59. Subsection (d) of said section 89 of said chapter 71, as so appearing, is
618 hereby amended by adding the following sentence:- Notwithstanding any general or special law
619 to the contrary, for applicants with a record of operating at least 1 charter school in the
620 commonwealth, the board shall not accept a new or expansion application if: (i) the average 3
621 year overall rate of out of school suspensions of the charter school is greater than the sending
622 district's average 3 year overall rate of out of school suspensions in the same grades served by
623 the charter school; or (ii) the average 3 year rate of out of school suspensions within any

624 particular subgroup identified by the board including, but not limited to, race, ethnicity, gender,
625 special education status, and English language learner status, is greater than the sending district's
626 average 3 year rate of out of school suspensions within that subgroup in the same grades served
627 by the charter school; provided, however, that this shall not apply to alternative education
628 charters as defined under subsection (iii) of paragraph (5) of subsection (i) of this section; and,
629 provided further that the board may grant a waiver to a charter school relative to a particular
630 subgroup if the board certifies that the gap in that subgroup is de minimus and that the school has
631 made a rigorous effort to avoid out of school suspensions for all students.

632 SECTION 60. Subsection (e) of said section 89 of said chapter 71, as so appearing, is
633 hereby amended by striking out, in line 88, the word "bylaws" and inserting in place thereof, the
634 following words:- by-laws, including, but not limited to, the proposed composition of the board
635 of trustees and term of years of service on the board of trustees.

636 SECTION 61. Said subsection (e) of said section 89 of said chapter 71, as so appearing,
637 is hereby further amended by striking out, in line 108, the word "and".

638 SECTION 62. Said section 89 of said chapter 71, as so appearing is hereby further
639 amended by inserting after the word "schools", in line 109, the following words:- ; (xvii) a
640 summary, including the date, of the applicant's meeting with the local superintendents and public
641 hearings; (xviii) an analysis of the anticipated impact on the community involvement,
642 educational opportunities and financial capacity of the school districts from which the charter
643 school is expected to enroll students and (xix) an analysis of the impact on the programs and
644 services of the sending school district or districts, including, but not limited to, impacts related to
645 fixed, variable and step variable costs.

646 SECTION 63. Subsection (h) of said section 89 of said chapter 71, as so appearing, is
647 hereby amended striking out the first paragraph and inserting in place thereof the following 3
648 paragraphs:-

649 Before filing an application for the establishment of a commonwealth charter school, the
650 applicant shall: (i) meet with the district superintendent of each school district from which the
651 charter school is expected to enroll students to review the proposed application, including how
652 the proposed commonwealth charter school plans to complement the curriculum and instruction
653 in the district and (ii) hold not less than 1 public hearing with the local school committee of each
654 school district from which the charter school is expected to enroll students. Applicants that fail to
655 meet with the school district superintendent and hold a public hearing shall be disqualified from
656 further consideration.

657 An application submitted for the establishment of a commonwealth charter school shall:
658 (i) be submitted to the board for approval under this section; and (ii) be filed with the local
659 school committee for each school district from which the charter school is expected to enroll
660 students. Before final approval to establish a commonwealth charter school, the board shall hold
661 a public hearing on the application in the school district in which the proposed charter school is
662 to be located and solicit and review comments on the application from the local school
663 committee of each school district from which the charter school is expected to enroll students
664 and any contiguous districts. At least 1 member of the board shall attend the public hearing. The
665 district superintendent may submit an analysis to the department that describes how approval of
666 the proposed charter school may affect the district's students. A comprehensive written
667 summary of all materials prepared by the department or its administrative subdivisions, which
668 evaluates or recommends approval or disapproval of a charter school application shall be

669 delivered to (i) the members of the board, (ii) the charter school applicant; (iii) the chairperson of
670 any sending district school committee; (iv) the superintendent of any proposed sending district;
671 and (v) the chief executive officer of any municipality in a proposed sending district. Materials
672 prepared by the department in support of or in opposition to a charter school's application shall
673 be provided not later than 3 days before any board vote on the charter application. In making a
674 recommendation to the board on an application, the commissioner shall explain in writing to the
675 board that the commissioner's decision is responsive to the district superintendent's submission
676 and provide an assessment of the accuracy of the analysis of the impact on the programs and
677 services of the sending school district or districts required under clause (xix) of subsection (e).
678 The board shall substantially consider materials submitted to the department or the board by the
679 superintendent or school committee of each school district from which the charter school is
680 expected to enroll students.

681 For the purposes of this paragraph, "late arrivals" shall mean any student who either
682 moves to or enrolls in the school district after the district's assignment process or the charter's
683 lottery, whichever first occurs. Prior to submitting the application, a commonwealth charter
684 school may develop, with the school districts from which it enrolls students, a memorandum of
685 understanding relative to establishing a policy between the school districts and the
686 commonwealth charter school related to the enrollment of late arrivals. No student shall be
687 required to attend a commonwealth charter school unless the student or the student's parent or
688 guardian accepts the offer of enrollment. The memorandum of understanding shall be subject to
689 the approval of the department. The board of elementary and secondary education shall give
690 preference to applications that include such a memorandum of understanding and the department
691 shall promulgate regulations to articulate the measure by which that preference shall be enacted.

692 Late arrivals shall not count toward the school district's net school spending cap in the first year
693 attending a commonwealth charter school but shall count in all subsequent years that the student
694 remains in the charter school.

695 SECTION 64. The first paragraph of paragraph (1) of subsection (i) of section 89 of
696 chapter 71, as so appearing, is hereby amended by adding the following sentence:- When making
697 a decision on an application, the board shall explain in writing how the decision takes into
698 account the district superintendent's submission under subsection (h) regarding how the school's
699 approval is expected to impact the district's students.

700 SECTION 65. Said paragraph (1) of subsection (i) section 89 of said chapter 71 is hereby
701 further amended by striking out the last paragraph and inserting in place thereof the following
702 paragraph:-

703 Applications to establish a commonwealth charter school shall be submitted to the board
704 annually by November 15. The board shall review the applications and grant new commonwealth
705 charters in February of the following year. Applications to establish a Horace Mann charter
706 school may be submitted to the board and granted by the board at any time.

707 SECTION 66. Said section 89 of said chapter 71, as so appearing, is hereby further
708 amended by inserting after the figure "(3)", in line 191, the following words:- ; provided,
709 however, that a school district's total charter school tuition payment to commonwealth charter
710 schools may exceed 18 per cent according to subsections (mm) and (nn).

711 SECTION 67. Said paragraph (2) of subsection (i) of said section 89 of said chapter 71,
712 as so appearing, is hereby further amended by striking out the third paragraph.

713 SECTION 68. Said subsection (i) of said section 89 of said chapter 71, as so appearing, is
714 hereby amended by inserting after paragraph (2) the following 2 paragraphs:-

715 (2½) Horace Mann charter schools and innovation schools, as defined in section 92 shall
716 not be counted towards a school district's net school spending cap; provided, however, that a
717 school committee may exercise the option of including as part of the district's net school
718 spending for all subsequent fiscal years: (i) all district Horace Mann charter schools; (ii) all
719 innovation schools, as defined in said section 92; or (iii) both district Horace Mann charter
720 schools and innovation schools but, in school districts in which the school committee is an
721 appointed body, the school committee's appointing authority shall exercise the option. The
722 option shall be communicated in writing to the board by July 1. If a school committee, or the
723 school committee's appointing authority in school districts where the school committee is an
724 appointed body, opts to include Horace Mann charter schools, innovations schools or both
725 towards the school district's net school spending, the option shall not be revoked. Upon
726 acceptance of the option, the schools included under clauses (i), (ii) or (iii) then currently
727 operating and any schools of that type to be opened in that school district after the board is
728 notified, shall be counted toward the school district's net school spending cap thereafter. If the
729 school committee, or the school committee's appointing authority in school districts where the
730 school committee is an appointed body, opts to include either Horace Mann charter schools or
731 innovation schools, but not both, the school committee may at a later date exercise the option
732 under clause (iii). Horace Mann charter schools and innovation schools may be approved in
733 excess of any school district's net school spending cap. The department shall promulgate
734 regulations to determine the method for counting per pupil spending in Horace Mann charter
735 schools and innovation schools toward the net school spending cap.

736 (2³/₄) Charter schools with the primary purpose to establish alternative education
737 programs under clause (iii) of paragraph (5) shall not count toward a school district's net school
738 spending cap or towards the number of charter schools under paragraph (1) and may be granted
739 in excess of a district's net school spending cap in any year.

740 SECTION 69. Paragraph (3) of subsection (i) of said section 89 of said chapter 71, as so
741 appearing, is hereby amended by striking out the first 3 sentences, and inserting in place thereof
742 the following sentences:-

743 (3) In any fiscal year, if the board determines based on student performance data
744 collected pursuant to section 1I, said district is in the lowest 10 per cent of all statewide student
745 performance scores released in the 2 consecutive school years before the date the charter school
746 application is submitted, the school district's total charter school tuition payment to
747 commonwealth charter schools may exceed 9 per cent of the district's net school spending but
748 shall not exceed 18 per cent; provided however, a school district's total charter school tuition
749 payment to commonwealth charter schools may exceed 18 per cent according to subsections
750 (mm) and (nn). For a district qualifying under this paragraph whose charter school tuition
751 payments exceed 9 per cent of the school district's net school spending, the board shall only
752 approve an application for the establishment of a commonwealth charter school if the applicant,
753 or a provider with which an applicant proposes to contract, has a record of operating at least 1
754 school or similar program that demonstrates organizational viability, as well as success
755 recruiting, retaining, and educating student populations similar to those the proposed school
756 seeks to serve which shall include students: (i) eligible for free lunch; (ii) eligible for reduced
757 price lunch; (iii) who require special education; (iv) with limited English-proficiency or of
758 similar language proficiency level as measured by the Massachusetts English Proficiency

759 Assessment examination or a successor assessment approved by the board; (v) sub-proficient,
760 which shall mean students who have scored in the "needs improvement", "warning" or "failing"
761 categories on the mathematics or English language arts exams of the Massachusetts
762 Comprehensive Assessment System or a successor statewide assessment system approved by the
763 board for 2 of the past 3 years or as defined by the department using a similar measurement; (vi)
764 who are designated as at risk of dropping out of school based on predictors determined by the
765 department; (vii) who have dropped out of school; (viii) who are homeless; (ix) who are pregnant
766 or parenting; or (x) otherwise considered to be at-risk students who should be targeted to
767 eliminate achievement gaps among different groups of students.

768 SECTION 70. Said subsection (i) of said section 89 of said chapter 71, as so appearing, is
769 hereby further amended by adding the following paragraph:-

770 (5) The board shall only approve an application for the establishment, renewal,
771 amendment, or expansion of a commonwealth charter school if the school meets at least 1 of the
772 following criteria: (i) the school enrolls students using an opt-out admissions lottery process that
773 automatically includes the names of all eligible students, without any required application
774 process for the school; (ii) the school enrolls students through participation in the assignment
775 system of the district in which the school is located; provided, however, that the charter school
776 enrolls only students from that district; provided further that a commonwealth charter school
777 may not displace a district school as 1 of a student's quality options under any quality access
778 guarantee that the district offers through its assignment system but may augment the district
779 schools in a student's choice options; and, provided further that a student shall not be required to
780 attend a commonwealth charter school; and, provided further that within the walk zone for the
781 school, as calculated by the district's preexisting student assignment system, the percentage of

782 students who qualify for the free or reduced price lunch program, or a successor measure as
783 adopted by the department, is equal to or higher than the district's overall percentage of students
784 who qualify for the program or (iii) the school's primary purpose is to establish alternative
785 education programs designed to serve at-risk students, students who have dropped out of school,
786 students who are homeless, or students who are pregnant or parenting and not less than 75 per
787 cent of students enrolled at the school shall qualify as at-risk students, students who are
788 homeless, students who are pregnant or parenting, or students who have dropped out of school.

789 Charter schools that have previously been granted a charter under this section before July
790 1, 2016 that apply for an expansion under clauses (i), (ii), or (iii) of this subsection shall
791 demonstrate the ability to meet the criteria set forth in said clauses through a phased-in process
792 established by the board. An existing Horace Mann or commonwealth charter school, which
793 meets the criteria for expansion under clauses (i) or (ii) and is approved for new seats in a higher
794 grade than the school currently serves, may assign students already enrolled in the school to
795 those new seats; provided, however, that the charter school shall fill all other open seats,
796 including seats that open up in lower grades at the beginning of the school year and in any grade
797 during the school year, through the process in clauses (i) or (ii), whichever governs its expansion.
798 Nothing in this section shall prevent the board from approving other Horace Mann or
799 commonwealth charter school applications that meet the criteria in clauses (i), (ii), or (iii) of this
800 subsection in districts where the net school spending cap has not been reached.

801 SECTION 71. Said section 89 of said chapter 71, as so appearing, is hereby amended by
802 inserting after the word "schools", in line 328, the following words:-:- provided, further, that
803 contracts and leases for the procurement of services, equipment and supplies, including, but not
804 limited to, contracts for the management or operation of the school, shall be publicly available on

805 the charter school's website; and provided, further, that executed contracts for the management
806 or operation of a charter school shall be made publicly available on the charter school's website
807 not later than 10 days after the contract is executed;.

808 SECTION 72. Subsection (k) of said section 89 of said chapter 71, as so appearing, is
809 hereby amended by striking out clause (7), and inserting in place thereof the following clause:-

810 (7) enter into partnerships and solicit and accept grants or gifts for school purposes;
811 provided, however, that a list of the partnerships, grants and gifts shall be publicly available on
812 the charter school's website.

813 SECTION 73. Subsection (l) of said section 89 of said chapter 71, as so appearing, is
814 hereby amended by adding the following sentence:- No entity that serves as an educational
815 management organization or charter management organization shall exercise a proprietary claim
816 over any procedure, policy, curriculum or other measure implemented at a charter school in the
817 course of a contract to manage or operate a school.

818 SECTION 74. Subsection (m) of section 89 of chapter 71, as so appearing, is hereby
819 amended by striking out the last sentence and replacing with the following 2 sentences:-

820 There shall be no tuition charge or fee for students attending and receiving educational
821 services at charter schools. Charter schools shall not require parents or guardians of students
822 attending those schools to sign any contract in order for the students to attend or receive
823 educational services at charter schools.

824 SECTION 75. Said subsection (m) of said section 89 of said chapter 71, as so appearing,
825 is hereby further amended by adding the following 4 paragraphs:-

826 For a charter school qualifying under clause (i) of paragraph (5) of subsection (i), all
827 students eligible to attend the school under the district's assignment policy, if it were a district
828 school, shall be deemed eligible for enrollment in the charter school without any application
829 process required for admission to the school. The charter school shall conduct an admissions
830 lottery, including the names of all eligible students, to fill all of the spaces in the school;
831 provided, that the lottery shall be based upon a list of eligible students provided by the district at
832 a date determined by the department. In the event that the parents or guardians of a student who
833 is randomly selected for admission to the charter school through the lottery determine not to
834 enroll the student in the charter school, then the charter school shall fill that enrollment space
835 with a student from the waitlist maintained pursuant to this subsection. Parents or guardians of a
836 student may make a written request to the school district that the student's name not be included
837 in the enrollment lottery.

838 Each charter school qualifying under clause (i) of paragraph (5) of subsection (i) shall
839 conduct an opt-out lottery at least once during the academic year. Through the lottery, the charter
840 school shall randomly select a number of students equal to the number of anticipated enrollment
841 spaces and shall randomly select a number of additional students to be placed on a waitlist. The
842 charter school operator, who shall maintain the waitlist, shall determine the number of students
843 randomly selected for the waitlist in order to fill any open enrollment spaces that become
844 available throughout the year. A charter school may conduct additional opt-out lottery draws
845 during an academic year if the school determines that its waitlist will be exhausted prior to the
846 fulfillment of all midyear enrollment spaces. An additional opt-out lottery shall place any
847 students not immediately placed in an open enrollment space on the waitlist. If a student
848 randomly selected through an opt-out lottery remains on a waitlist at the close of the academic

849 year in which the student was randomly selected, the student shall have the option to receive
850 preference in placement for the next available enrollment space in the next highest grade level,
851 unless the next highest grade level is not offered by the charter school, prior to the expiration of
852 the waitlist on July 1.

853 Notwithstanding subsection (n), charter schools qualifying under clause (i) of paragraph
854 (5) of subsection (i) shall have a rolling enrollment policy in which the school shall fill vacant
855 seats throughout the school year for all grade levels offered by the school. Those charter schools
856 shall also adhere to the same quality measures, at a minimum, used by the district to the extent
857 that such measures are necessary under subsection (i).

858 Subject to approval by the board, charter schools located within the same municipality
859 may voluntarily establish a common lottery, which may provide student applicants with a single
860 offer for admission.

861 SECTION 76. Subsection (n) of said section 89 of said chapter 71, as so appearing, is
862 hereby amended by inserting after the second paragraph the following 7 paragraphs:-

863 Charter schools qualifying under clause (iii) of paragraph (5) of subsection (i) may offer
864 enrollment preferences to at-risk students, students who are homeless, students who are pregnant
865 or parenting or students who have dropped out of school. In charter schools that offer such
866 enrollment preferences, priority for enrollment shall be given first to at-risk students, students
867 who are homeless, students who are pregnant or parenting, or students who have dropped out of
868 school and second to other students who reside within the city or town in which the charter
869 school is located but are not at-risk students, students who are homeless, students who are
870 pregnant or parenting or students who have dropped out of school. Notwithstanding any general

871 or special law to the contrary, a charter school qualifying under said clause (iii) of said paragraph
872 (5) of said subsection (i) may limit admissions to students who qualify as at-risk students,
873 students who are homeless, students who are pregnant or parenting, students who have dropped
874 out of school, or a combination thereof.

875 Subject to approval by the board, school districts or municipalities that rent classroom
876 space to commonwealth charter schools under lease agreements with terms of at least 10 years
877 may require such schools to offer enrollment preferences to students who reside in a specific
878 geographical area in which such school buildings are located as a condition of the lease
879 agreements; provided, however, that within this geographical preference area, the percentage of
880 students who qualify for the free or reduced price lunch program, or a successor measure as
881 determined by the department, shall be equal to or greater than the district's overall percentage of
882 students who qualify for the program.

883 Notwithstanding the enrollment preferences in this subsection, a commonwealth or
884 Horace Mann charter school may limit enrollment geographically or add a geographic enrollment
885 preference by: (i) using the assignment system of the city in which it is located; provided,
886 however, that within the walk zone for a Horace Mann school, as calculated by the city's
887 preexisting student assignment system, the percentage of students who qualify for the free or
888 reduced price lunch program, or a successor measure as determined by the department, shall be
889 equal to or greater than the district's overall percentage of students who qualify for the program;
890 or (ii) offering enrollment preferences to students who reside in a specific geographical area in
891 which the school building is located; provided, however, that within this geographical preference
892 area, the percentage of students who qualify for the free or reduced price lunch program, or a

893 successor measure as determined by the department, shall be equal to or greater than the
894 district's overall percentage of students who qualify for the program.

895 In order to institute a geographical enrollment limitation or preference, the original
896 charter of the charter school or an amendment to the charter shall permit such an enrollment
897 limitation or preference. An amendment to the charter of a Horace Mann charter school to add
898 such an enrollment limitation or preference shall require only the approval of the local school
899 committee, the board of trustees of the Horace Mann charter school, and the commissioner.

900 In addition to providing the information pursuant to subsection (e), any charter school
901 that offers geographical enrollment preferences shall include in its application for approval: (i) a
902 definition of the geographical area for which it shall offer an enrollment preference; (ii) an
903 explanation of how this preference shall support the mission of the charter school and the
904 academic performance of its students; (iii) evidence that within this geographical area or walk
905 zone there resides an equal or higher percentage of low-income students, as measured by
906 qualification for the free or reduced price lunch program, or a successor measure as approved by
907 the department, as compared to the district as a whole; and (iv) an explanation of how the charter
908 school shall target its recruitment and retention efforts for students within this geographical area.
909 When a charter school that chooses to offer a geographical preference seeks charter renewal and
910 intends to continue applying the geographical preference, the board shall consider whether the
911 preference area continues to support the mission of the charter school and the academic
912 performance of its students, and whether the preference area continues to serve an adequate
913 percentage of low-income students to qualify as a geographical preference area under this
914 subsection.

915 If a commonwealth charter school offers geographical enrollment preferences, students
916 who reside within the geographical preference area shall have priority for enrollment in any open
917 seats over students who reside in the city or town in which the charter school is located but
918 outside of the geographical preference area. If a Horace Mann charter schools offers
919 geographical enrollment preferences, priority for enrollment shall be given in the following
920 order: (i) to students actually enrolled in the school on the date the application is filed with the
921 board and their siblings; (2) to students who reside within the geographical preference area and
922 are enrolled in the public schools of the district where the Horace Mann charter school is to be
923 located; (3) to other students who reside within the geographical preference area; (4)to other
924 students enrolled in the public schools of the district where the Horace Mann charter school is to
925 be located but who reside outside of the geographical preference area; and (5) to other students
926 who reside outside of the geographical preference area but within the city or town in which the
927 charter school is located.

928 A charter school may give preference in their enrollment policies to children of full-time
929 employees; provided, however, that said children shall be counted toward the charter school net
930 school spending cap.

931 SECTION 77. Said subsection (n) of said section 89 of said chapter 71, as so appearing,
932 is hereby further amended by striking out the fifth and sixth paragraphs and inserting in place
933 thereof the following 2 paragraphs:-

934 When a student stops attending a charter school for any reason, the charter school shall
935 fill the vacancy with the next available student on the waitlist for the grade in which the vacancy
936 occurs and shall continue through the waitlist until a student fills the vacant seat. If there is no

937 waitlist, a charter school shall publicize an open seat to the students of the sending district or
938 districts and make attempts to fill said vacant seat. The charter school shall send the name of the
939 student filling such vacancy to the department for the purposes of the department updating its
940 waitlist as part of its monthly update.

941 On a monthly basis, a charter school shall provide to the department: (i) the number of
942 students placed on a waitlist, broken down by grade level; (ii) the number of students who
943 enrolled in an open seat in the charter school and are no longer on the waitlist, broken down by
944 grade level; (iii) the number of students who requested to be removed from the waitlist, broken
945 down by grade level; and (iv) other information the department deems necessary, including but
946 not limited to student names, home addresses, telephone numbers and grade levels. The
947 department shall maintain a consolidated waitlist for each municipality in order to determine the
948 number of individual students in each municipality currently placed on a charter school waitlist.
949 The consolidated waitlist for each municipality shall be in effect until the expiration of the
950 waitlist on July 1. The department shall maintain separate consolidated waitlists for each
951 municipality broken down by commonwealth charter schools and Horace Mann charter schools
952 for each municipality, 1 for commonwealth charter schools and 1 for Horace Mann charter
953 schools. The department shall make the consolidated waitlists for each municipality, without any
954 identifying student information, available on its website and update the consolidated waitlists not
955 less than monthly.

956 SECTION 78. Subsection (p) of said section 89 of said chapter 71, as so appearing, is
957 hereby further amended by striking out, in lines 444 to 445, the words “and 37H^{1/2}” and inserting
958 in place thereof the following words:- , 37H^{1/2} and 37H^{3/4}. School policies pertaining to the

959 conduct of students and consequences for violations of said policies, including, but not limited
960 to, the criteria for expulsion, shall be made publicly available on the charter school's website.

961 SECTION 79. Subsection (q) of said section 89 of said chapter 71, as so appearing, is
962 hereby amended by inserting, after the word "school", in line 452, the following words:-

963 ; provided, further, that the construction, reconstruction or improvement of a public
964 building for use by a charter school shall comply with section 7A and sections 26, 27, 27G and
965 44A to 44M, inclusive, of chapter 149.

966 SECTION 80. Subsection (r) of said section 89 of said chapter 71, as so appearing, is
967 hereby amended by adding the following paragraph:-

968 The department shall establish an exchange program to promote the sharing of best
969 practices and innovations between teachers and administrators employed by charter schools and
970 teachers and administrators employed by district schools. The department shall recruit teachers
971 and administrators to participate in the exchange program from charter schools and district
972 schools that the department has identified as exemplars of excellence in achievement, instruction
973 or innovation. The department shall administer the exchange program by facilitating a
974 comparable temporary exchange of a teacher or administrator employed by a charter school with
975 a teacher or administrator employed by a district school for a full school year. A participant in
976 the exchange program shall abide by the school policies of the school to which the participant
977 has been assigned for the school year; provided, however, that the participant shall continue to
978 receive a salary and benefits from the participant's employer of record. Annually, the
979 department shall convene the teachers and administrators who participated in the exchange
980 program during the past year to discuss best practices and innovations.

981 SECTION 81. Subsection (u) of said section 89 of said chapter 71, as so appearing, is
982 hereby amended by striking out, in line 492, the words “chapter 268A” and inserting in place
983 thereof the following words:- chapters 30A, 66 and 268A.

984 SECTION 82. The first paragraph of said subsection (u) of said section 89 of said
985 chapter 71, as so appearing, is hereby amended by inserting after the first sentence, the following
986 sentence:- No member of a board of trustees of a charter school or a member’s immediate
987 family, as defined by section 1 of chapter 268A, shall be (i) employed by or have a financial
988 interest in a non-profit business or corporate entity authorized to operate a charter school; or (ii)
989 employed by or receive compensation from the department, board or other agency responsible
990 for the authorization or regulation of charter schools; provided, however, that a teacher
991 designated under subsection (c) to serve on the board of trustees shall be compensated consistent
992 with the terms of the teacher’s employment.

993 SECTION 83. Said subsection (u) of said section 89 of said chapter 71, as so appearing,
994 is hereby further amended by adding the following paragraph:-

995 The minutes of the meetings of the board of trustees of a charter school shall be
996 considered public records, as defined by clause twenty-sixth of section 7 of chapter 4. The board
997 of trustees of a charter school shall make the minutes of all meetings publicly available on the
998 charter school’s website.

999 SECTION 84. Subsection (v) of said section 89 of said chapter 71, as so appearing, is
1000 hereby amended by adding the following paragraph:

1001 A charter school shall establish evaluation systems and performance standards for the
1002 evaluation of teachers. The evaluation systems and performance standards shall comply with the

1003 principles of evaluation established by the board, comply with section 1I of chapter 69 or be
1004 approved by the commissioner.

1005 SECTION 85. The last paragraph of subsection (y) of said section 89 of said chapter 71
1006 of the General Laws, as so appearing, is hereby amended by adding the following sentence:-
1007 Teachers employed by a charter school who are represented by an employee organization shall
1008 accrue seniority and shall receive compensation not less than equal to the salary established in
1009 the contract of the local collective bargaining unit where the charter school is located.

1010 SECTION 86. Said section 89 of said chapter 71, as so appearing, is hereby amended by
1011 striking out subsection (cc) and inserting in place thereof the following subsection:-

1012 (cc) (1) The students who reside in a school district in which a charter school is
1013 located shall be provided transportation to the charter school by the resident school district on
1014 similar terms and conditions as transportation is provided to students attending local district
1015 schools. The school district shall be responsible for the cost of the transportation unless the
1016 school district and the charter school do not reach agreement on the start time of the charter
1017 school's day, then the school district shall be responsible for 50 per cent of the charter school's
1018 transportation costs; provided further, that the school district shall only be responsible for
1019 transportation costs on days that both the school district and charter school is in session.

1020 (2) If a charter school provides transportation for its students through an
1021 independent transportation vendor that does not qualify for reimbursement under paragraph (1),
1022 the school district shall not be responsible for any transportation costs incurred by the charter
1023 school.

1024 (3) If a school district limits transportation for district school students, the charter
1025 school's transportation shall be subject to the same limitations, which may include, but not be
1026 limited to, travel distance limits, mode of transportation, attendance zones, geographic
1027 subdivisions of the district, and limits included in a district's school assignment or transportation
1028 policies; provided, however, that, if a school district provides transportation throughout the
1029 school district without geographic limitation for local district schools focused on specialized
1030 programs, including, but not limited to, (i) language specialties; (ii) arts; (iii) special education;
1031 (iv) vocational technical education; (v) students at-risk of dropping out of school or who have
1032 dropped out of school; (vi) and science, technology, engineering and math, the school district
1033 shall provide the same transportation to charter schools that provide specialized programs;
1034 provided further, that a college preparatory programs shall not be considered a specialized
1035 program for the purposes of this paragraph.

1036 (4) School districts may provide for public transportation to charter schools for
1037 students who may, under district policy, receive traditional bus transportation.

1038 (5) Annually, but not later than July 1, school districts shall report to the
1039 department on the average number of field trips that they offered per grade per year over the
1040 prior 3 academic years. The school district shall be responsible in the next academic year for the
1041 cost of transportation of students in each grade in a charter school up to that school district
1042 grade's average of the prior 3 years, subject to the conditions of paragraph (1) of this subsection
1043 relative to start time. For field trips beyond the 3 year average in any grade, the charter school
1044 shall be responsible for the full cost of transportation.

1045 (6) A charter school and the sending district shall meet to plan bus routes and
1046 charter school starting and ending times in order to assist the district with cost effective means of
1047 transportation. Schools operating under a charter granted after January 1, 1997, and all charter
1048 schools operating during fiscal year 1999 and thereafter, shall not receive funds for
1049 transportation above the amount actually required by such charter school for the provision of
1050 transportation services to eligible students. If the sending district provides an alternative method
1051 of transportation for students enrolled in the sending district's public schools, it shall not be
1052 assessed for transportation costs which exceed the per pupil cost of said alternative. Costs for
1053 transportation shall be included only if transportation is provided for students in the same
1054 program and grade level as those in the charter school. Students who do not reside in the district
1055 in which the charter school is located shall be eligible for transportation in accordance with
1056 section 12B of chapter 76. A regional charter school as designated by the board, and whose
1057 charter provides for transportation of all students from charter municipalities shall also be
1058 reimbursed by the commonwealth under section 16C of chapter 71 for transportation provided to
1059 pupils residing outside the municipality where the charter school is located, but no
1060 reimbursement for transportation between the charter school and home shall be made on account
1061 of any pupil who resides less than 1.5 miles from the charter school, measured by a commonly
1062 traveled route. If a charter school provides its own transportation, the school shall coordinate and
1063 collaborate with the sending district to provide cost effective means of transportation. All such
1064 transportation shall be determined in advance of the approval of the district's final budget for a
1065 fiscal year; provided, however, that a commonwealth charter school shall be required to
1066 determine such transportation in the first year of its operation as soon as practicable.

1067 SECTION 87. Said section 89 of said chapter 71, as so appearing, is hereby further
1068 amended by inserting after the word “students,” in line 641, the following words:- ; provided,
1069 however, that a commonwealth charter school shall not be renewed if: (i) the average 3 year
1070 student attrition rate of the charter school is greater than the sending district’s average 3 year
1071 student attrition rate in the same grades served by the charter school; (ii) the average 3 year
1072 student stability rate of the charter school is less than the sending district’s average 3 year student
1073 stability rate in the same grades served by the charter school; (iii) the average 3 year student
1074 attrition rate within any particular subgroup identified by the board including, but not limited to,
1075 race, ethnicity, gender, special education, and English language learner status, is greater than the
1076 sending district’s average 3 year student attrition rate within that subgroup or (iv) the average 3
1077 year student stability rate within any particular subgroup identified by the board including, but
1078 not limited to, race, ethnicity, gender, special education, and English language learner status, is
1079 less than the sending district’s average 3 year student stability rate within that subgroup;
1080 provided, further, that the board may grant to a charter school otherwise disqualified under
1081 clauses (iii) and (iv) a waiver relative to particular subgroup if it certifies that the gap in that
1082 subgroup is de minimus and that the charter school has made a rigorous effort to retain all
1083 students.

1084 SECTION 88. Subsection (dd) of said section 89 of said chapter 71, as so appearing, is
1085 hereby amended by adding the following 2 paragraphs:-

1086 When deciding on a charter renewal, the board shall also consider: (i) a charter school’s
1087 discipline policies; (ii) whether the charter school has met its obligations under sections 37H,
1088 37H1/2 and 37H3/4 of this chapter; and (iii) the prevalence of the use of out of school
1089 suspensions by the charter school.

1090 A commonwealth charter shall not be renewed if: (i) the average 3 year overall rate of out
1091 of school suspensions of the charter school is greater than the sending district's average 3 year
1092 overall rate of out of school suspensions in the same grades served by the charter school;
1093 provided; provided further that if the charter school's average 3 year overall rate is higher than
1094 the sending district's, the board may grant a 2 year probationary period, during which time the
1095 department shall oversee and provide technical assistance to the charter school in lowering its out
1096 of school suspension rate; provided further that if the average 2 year rate of out of school
1097 suspension rate during said probationary period is greater than the sending district, the board
1098 shall not renew the charter; or (ii) the average 3 year rate of out of school suspensions within any
1099 particular subgroup identified by the board including, but not limited to, race, ethnicity, gender,
1100 special education status, and English language learner status, is greater than the sending district's
1101 average 3 year rate of out of school suspensions within that subgroup; provided further that the
1102 board may grant a charter school a waiver relative to a particular subgroup if it certifies that the
1103 gap in that subgroup is de minimus and that the school has made a rigorous effort to avoid out of
1104 school suspensions for all students and subgroups; provided further that if the charter school's
1105 average 3 year rate of out of school suspensions is higher than the sending district's for any
1106 particular subgroup whose gap the board has not certified as de minimus, the board may grant a 2
1107 year probationary period, during which time the department shall oversee and provide technical
1108 assistance to the charter school in lowering its out of school suspension rate; provided, further
1109 that if the average 2 year rate of out of school suspension for any subgroup identified by the
1110 board during said probationary period is greater than the sending district's, the board shall not
1111 renew the charter. This paragraph shall not apply to alternative education charters as defined
1112 under subsection (iii) of paragraph (5) of subsection (i).

1113 SECTION 89. Said section 89 of said chapter 71 , as so appearing, is hereby amended by
1114 striking out subsection (gg) and inserting in place thereof the following 2 subsections:-

1115 (gg) Subject to appropriation, any district whose total charter school tuition amount is
1116 greater than its total charter school tuition amount for the previous year shall be supplied with
1117 district impact mitigation funding by the commonwealth in accordance with this subsection;
1118 provided, however, that no funds for the district impact mitigation shall be deducted from funds
1119 distributed pursuant to chapter 70. The district impact mitigation amount shall be equal to 100
1120 per cent of the increase in the year in which the increase occurs, 50 per cent in the second year
1121 and 25 per cent in the third year.

1122 (gg^{1/2}) Subject to appropriation, the department shall provide small district equity aid
1123 funding to a school district with not more than 1,000 students that sends at least 1 student to a
1124 charter school. The sending district shall receive not more than \$1,000 per child attending a
1125 charter school each year the child attends a charter school.

1126 SECTION 90. Said section 89 of said chapter 71, as so appearing, is hereby further
1127 amended by striking out, in lines 776 to 778, inclusive, the words “unless the teacher has
1128 successfully passed the state teacher test as required in said section 38G”.

1129 SECTION 91. Subsection (jj) of said section 89 of said chapter 71, as so appearing, is
1130 hereby amended by striking out the first 2 paragraphs and inserting in place thereof the following
1131 2 paragraphs:-

1132 Annually, not later than August 1, each charter school shall submit an annual report to the
1133 board, to the local school committee and to each parent or guardian of its enrolled students. The
1134 annual report shall also be made publicly available on the charter school’s website. The annual

1135 report shall be in such form as may be prescribed by the board and shall include, but not be
1136 limited to: (i) a discussion of progress made toward the achievement of the goals set forth in the
1137 charter; (ii) a financial statement setting forth by appropriate categories the revenue and
1138 expenditures for the year just ended and a balance sheet setting forth the charter school's assets,
1139 liabilities and fund balances or equities; and (iii) the charter school's capital plan and the amount
1140 and sources of public and private funds committed to the capital plan, including the capital needs
1141 component of the charter school's tuition.

1142 The department shall promulgate regulations to establish a reporting requirement for a
1143 charter school's net asset balance at the end of the fiscal year; provided, however, that the
1144 regulations shall require at least, but not limited to, the following: (i) the revenue and
1145 expenditures for the year just ended with a specific accounting of the uses and sources of public
1146 and private funds; (ii) a specific accounting of the uses of the capital needs component of the
1147 charter school's tuition; (iii) compensation and benefits for teachers, staff, administrators,
1148 executives, and the members of the board of trustees; (iv) the amount of any funds transferred to
1149 a management company; (v) the sources of any surplus funds, specifically whether they are
1150 private or public; (vi) how any surplus funds were used in the previous fiscal year; (vii) the
1151 planned use of any surplus funds in the upcoming fiscal year and in future fiscal years beyond
1152 those uses already noted in the capital plan; and (viii) tax credits received during the previous
1153 fiscal year. The information included in a charter school's net asset balance as required by the
1154 department shall be publicly available on the charter school's website.

1155 SECTION 92. Subsection (kk) of said section 89 of said chapter 71, as so appearing, is
1156 hereby amended by striking out the last sentence and inserting in place thereof the following 2
1157 sentences:- Pursuant to the regulations promulgated by the board, the commissioner shall,

1158 pursuant to regulations promulgated by the board, collect attrition and stability data, including,
1159 but not limited to, the number of students leaving each charter school and the reasons for leaving.
1160 Data shall include attrition and stability outcomes within demographic subgroups including, but
1161 not limited to, race, ethnicity, gender, special education status, and English language learner
1162 status. Annually, not later than December 1, the commissioner shall make the data publicly
1163 available online in human and machine readable formats, annually on or before December 1, and
1164 shall file the data annually with the clerks of the senate and house of representatives and senate
1165 and the joint committee on education not later than December 1.

1166 SECTION 93. Said section 89 of said chapter 71, as so appearing, is hereby further
1167 amended by striking out subsection (mm) and inserting in place thereof the following 3
1168 subsections:-

1169 (mm) (1) Notwithstanding any general or special law to the contrary, beginning in fiscal
1170 year 2019 to fiscal year 2025, inclusive, for school districts qualifying under paragraph (3) of
1171 subsection (i) the net school spending cap shall increase by 0.5 per cent per fiscal year in which
1172 the general appropriation act meets the implementation schedule under section 5B½ of chapter
1173 29. The net school spending cap shall not increase by more than 0.5 per cent in a fiscal year.

1174 (2) In any fiscal year in which the general appropriation act does not fully meet
1175 the implementation schedule for that fiscal year, the net school spending cap for school districts
1176 qualifying under paragraph (3) of subsection (i) shall increase by an amount equal to 0.5 per cent
1177 multiplied by the amount appropriated in the general appropriation act divided by the amount
1178 included in the implementation schedule for that fiscal year under said section 5B½ of said
1179 chapter 29; provided, however, that the net school spending cap shall not increase by more than

1180 0.5 per cent in any fiscal year. If an amendment to the implementation schedule is made in any
1181 fiscal year that reduces the number of years to fully fund the implementation schedule prior to
1182 fiscal year 2025 and the commonwealth appropriates the amount according to the schedule, a
1183 school district's net school spending toward charter school tuition payments shall increase
1184 according to subsection (nn).

1185 (nn) Notwithstanding any general or special law to the contrary, beginning in fiscal year
1186 2026, or sooner as provided in paragraph (2) of subsection (mm), and every fiscal year thereafter,
1187 for school districts qualifying under paragraph (3) of subsection (i), the net school spending cap
1188 shall increase by 0.5 per cent per fiscal year in which the general appropriation act for the
1189 previous fiscal year fully funds and all eligible districts receive the district impact mitigation
1190 under subsection (gg); provided however, a the net school spending cap shall not exceed 23 per
1191 cent. For the purposes of this subsection, full funding of district impact mitigation shall be based
1192 on the department's projections as of April 15 for that fiscal year.

1193 (oo) The board shall promulgate regulations for implementation and enforcement of this
1194 section.

1195 SECTION 94. Notwithstanding any general or special law to the contrary, if in fiscal
1196 year 2019, upon exercising the option under paragraph (2½) of subsection (i) of section 89 of
1197 chapter 71 of the General Laws to include Horace Mann schools or innovation schools, or both,
1198 toward a district's net school spending cap, the charter school tuition payment of a school district
1199 qualifying under paragraph (3) of said subsection (i) of said section 89 of said chapter 71 is at or
1200 above 20 per cent but below 23 per cent, the school committee or, in school districts in which the
1201 school committee is an appointed body, the school committee's appointing authority, may

1202 request that the board immediately implement the increased net school spending cap as provided
1203 in subsections (mm) and (nn) of said section 89 of said chapter 71 in such a way that the district
1204 is eligible for a net school spending cap increase of up to 0.5 per cent annually until it reaches 23
1205 per cent. Commonwealth charter schools shall only be approved under this paragraph for
1206 expansions of existing commonwealth charter schools into grades not currently approved for
1207 those charter schools; provided, however, that subsections (mm) and (nn) of said section 89 of
1208 said chapter 71 shall be met in each relevant fiscal year in order for a net school spending cap to
1209 increase under this section.

1210 SECTION 95. There shall be a commission to review and report on the efficacy of
1211 charter school funding in the commonwealth. The commission shall study and report on the
1212 methods used to fund charter schools in other states and the appropriateness of the approach
1213 currently used in the commonwealth as compared to other states. The commission shall make
1214 recommendations for revising the commonwealth's approach to charter school funding as
1215 appropriate.

1216 The commission shall consist of 15 members: 2 of whom shall be appointed by the
1217 president of the senate, 1 of whom shall serve as a co-chair; 2 of whom shall be appointed by the
1218 speaker of the house of representatives, 1 of whom shall serve as a co-chair; 1 of whom shall be
1219 appointed by the minority leader of the senate; 1 of whom shall be appointed by the minority
1220 leader of the house of representatives; the secretary of education or a designee; the commissioner
1221 of elementary and secondary education or a designee; the secretary of administration and finance
1222 or a designee; a representative of the Massachusetts Association of School Committees, Inc.; a
1223 representative of the Massachusetts Association of School Superintendents, Inc.; a representative
1224 of the Massachusetts Teachers Association; a representative of the American Federation of

1225 Teachers; a representative of the Massachusetts Charter Public School Association, Inc.; and a
1226 representative of the Massachusetts Business Alliance for Education.

1227 The commission shall issue a final report and recommendations for legislation, if any, to
1228 the clerks of the house of representatives and senate not later than January 1, 2017.

1229 SECTION 96. The department of elementary and secondary education shall convene an
1230 educational task force to review the effect of school day start times for middle school and
1231 secondary school students. The task force shall consist of: the secretary of education, or a
1232 designee; the commissioner of elementary and secondary education, or a designee; the executive
1233 director of the Massachusetts Association of School Committees, or a designee; the executive
1234 director of the Massachusetts Association of School Superintendents, or a designee; the
1235 executive director of the Massachusetts Association of Secondary School Principals, or a
1236 designee; the executive director of StartSchoolLater.net, or a designee; the executive director of
1237 the Massachusetts Association of School Business Officials, or a designee; a parent of a high
1238 school student who is a member of a school council, as defined in section 59 of chapter 71 of the
1239 General Laws; and a superintendent from a district which has implemented later school day
1240 starting times.

1241 The task force shall: (i) conduct a comprehensive study, including a review of the
1242 scientific findings relative to sleep needs of adolescents, relative to the effect that middle school
1243 and secondary school start times have on the health and academic performance of students; (ii)
1244 determine the number of districts in the Commonwealth that have implemented later school day
1245 starting times for middle school and secondary schools and examine the academic performance
1246 of students, including performance on statewide tests; and (iii) identify resources and

1247 opportunities to assist districts in implementing later school day start times for middle school and
1248 secondary schools, should their findings under items (i) and (ii) suggest that later start times are
1249 beneficial to student learning.

1250 The task force shall file a report containing its findings and recommendations, including
1251 legislation necessary to carry out its recommendations, with the clerks of the house of
1252 representatives and senate by December 31, 2016.

1253 SECTION 97. Notwithstanding any general or special law to the contrary, the department
1254 of elementary and secondary education shall revise its regulations as they relate to subsection (jj)
1255 of section 89 of chapter 71 of the General Laws to accurately reflect the statutory requirements
1256 not later than January 1, 2017.

1257 SECTION 98. The department of the state auditor shall issue a report on the first 5 years
1258 of implementation of chapter 222 of the acts of 2012. Said report shall include, but not be
1259 limited to, data relative to: (1) demographic subgroups including, but not limited to, race, gender,
1260 ethnicity, grade level, income status as defined by the department of elementary and secondary
1261 education, special education status, and English language learner status; (2) public school
1262 districts; (3) commonwealth charter schools; (4) Horace Mann charter schools; and (5)
1263 innovation schools. Said report shall be filed with the civil rights division of the office of the
1264 attorney general, the clerks of the senate and house of representatives, the chairs of the joint
1265 committee on education and the house and senate committees on ways and means not later than
1266 December 31, 2019.

1267 SECTION 99. The department of elementary and secondary education, in consultation
1268 with the Massachusetts office of information technology, the department of transitional

1269 assistance, the office of Medicaid and the executive office of health and human, services shall
1270 make recommendations to update the calculation and definition for “low-income enrollment” in
1271 section 2 of chapter 70 of the General Laws. The department shall file the recommendations
1272 with the clerks of the house of representatives and the senate, the house and senate chairs of the
1273 committees on ways and means, and the chairs of the joint committee on education not later than
1274 January 1, 2017. The updated calculation and definition may be implemented under chapter 70
1275 including increments to reflect the needs of districts with high concentrations of low-income
1276 students.

1277 SECTION 100. Section 5B½ of chapter 29 of the General Laws is hereby repealed.

1278 SECTION 101. Subsection (mm) of section 89 of chapter 71 of the General Laws is
1279 hereby repealed.

1280 SECTION 102. Members of the board of elementary and secondary education on the
1281 effective date of this act shall continue in office for the remainder of their unexpired terms.

1282 SECTION 103. Commonwealth charter schools in existence on the effective date of this
1283 act shall have 1 year from the effective date to comply with sections 56 and 57.

1284 SECTION 104. Commonwealth charter schools in existence on the effective date of this
1285 act shall demonstrate, upon filing an application for renewal or expansion, that the charter school
1286 has documented progress in attaining certification for all teachers employed by the charter
1287 school; provided, however, that all commonwealth charter schools shall reach full teacher
1288 certification by July 1, 2019.

1289 SECTION 105. Sections 3, 35 to 41, inclusive, and 93 shall take effect on January 1,
1290 2018.

1291 SECTION 106. The last paragraph of subsection (dd) of section 89 of chapter 71 of the
1292 General Laws, inserted by section 88 of this act, shall take effect on July 1, 2018.

1293 SECTION 107. Sections 75 and 77 shall take effect 6 months after the effective date of
1294 this act.

1295 SECTION 108. Sections 70, 76 and 84 and subsection (gg) of section 89 of chapter 71 of
1296 the General Laws, as appearing in section 89, shall take effect 1 year after the effective date of
1297 this act.

1298 SECTION 109. Section 100 and 101 shall take effect on July 1, 2025.