The Commonwealth of Massachusetts

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

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
Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after section 35CCC the following section:-

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

The fund shall consist of: (i) any unexpended funds from item 7061-9011; (ii) revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund; (iii) any interest earned on monies in the fund; and (iv) any funds from private sources including, but not limited to, gifts, grants and donations received by the commonwealth that are specifically designated to be credited to the fund. The secretary of
education may incur expenses and the comptroller may certify for payments amounts in anticipation of expected receipts, but no expenditure shall be made from the fund which shall cause the fund to be in deficit at the close of a fiscal year. Amounts credited to the fund shall not be subject to further appropriation and monies remaining in the fund at the end of a fiscal year shall not revert to the General Fund. The secretary shall report annually not later than October 1 to the house and senate committees on ways and means on the fund's activity.

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

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

SECTION 4. The third paragraph of section 1I of chapter 69 of the General Laws, as so appearing, is hereby amended by inserting after the second sentence the following sentence:—

When reporting outcomes on diagnostic assessments to the department, each school shall include the number of students who were enrolled in the school on the first day of the school year and unenrolled from the school prior to administration of the assessments.

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

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

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

SECTION 7. Section 1J of said chapter 69, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following 2 subsections:—
(a) Prior to October 1, the commissioner of elementary and secondary education may, on the basis of (i) student performance data collected pursuant to section 1I, (ii) a school or district review performed under section 55A of chapter 15 or (iii) regulations adopted by the board of elementary and secondary education, designate 1 or more schools in a school district other than a Horace Mann charter school as a priority, underperforming or chronically underperforming school. The board shall adopt regulations establishing standards for the commissioner to make such designations on the basis of data collected pursuant to section 1I or information from a school or district review performed under section 55A of chapter 15. Upon the release of the proposed regulations, the board shall file a copy the proposed regulations with the clerks of the senate and house of representatives who shall forward the regulations to the joint committee on education. Within 30 days of the filing, the joint committee may hold a public hearing and issue a report on the regulations and file the report with the board. The board, pursuant to applicable law, may adopt final regulations making revisions to the proposed regulations as it deems appropriate after consideration of the report and shall immediately file a copy of the regulations with the chairs of the joint committee on education. Not earlier than 30 days from the filing, the board shall file the final regulations with the state secretary. Schools that score in the lowest 20 per cent statewide among schools serving common grade levels on a single measure developed by the department that takes into account student performance data and improvement in student academic performance, shall be deemed eligible for designation as a priority, underperforming or chronically underperforming school; provided, however, that any school designated as a priority school shall be drawn from those schools most likely to be designated as underperforming. Not more than 4 per cent of the total number of public schools may be designated as a priority, underperforming or chronically underperforming school at any given time.
In adopting regulations allowing the commissioner to designate a school as a priority, underperforming or chronically underperforming school, the board shall ensure that such regulations take into account multiple indicators of school quality in making such designations, including, but not limited to: student attendance rates, dismissal rates and exclusion rates, promotion rates, graduation rates or the lack of demonstrated significant improvement for at least 2 consecutive years in core academic subjects, either in the aggregate or among subgroups of students, including designations based on special education, low-income, English language proficiency, and racial or ethnic classifications.

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

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

(a½) (1) Within 15 days of the commissioner’s designating a school as a priority school, the school committee and the local teachers union shall meet to negotiate a waiver agreement, if necessary, which shall identify any provisions of the collective bargaining agreement that would be subject to a waiver upon a 2/3 vote of the teachers working at least 50 per cent of the time in the designated priority school. Such waivers shall be designed to permit the implementation of a turnaround plan and may include provisions that are inconsistent with
the existing collective bargaining agreement. Such negotiations shall be completed not later than 30 days from the date the commissioner designated the school as a priority school and the parties shall not be eligible for relief under section 9 of chapter 150E. If the school committee and the union fail to reach an agreement, the process provided in this subsection shall be terminated and the commissioner may designate the school as underperforming pursuant to subsection (a).

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

(2) In creating the turnaround plan, the local stakeholder group shall, to the extent practicable, base the plan on student outcome data, including, but not limited to: (i) data collected pursuant to section 11 or information from a school or district review performed under section 55A of chapter 15; (ii) student achievement on the statewide assessment system approved by the board under section 11; (iii) other measures of student achievement, approved by the
In creating the turnaround plan, the local stakeholder group shall consider the following:

(i) steps to address the social service and health needs of students at the school and their families, to help ensure students arrive and remain at school ready to learn; provided, that such services may include mental health and substance use screening; (ii) steps to improve or expand child welfare services and, as appropriate, law enforcement services in the school community, in order to promote a safe and secure learning environment; (iii) steps to improve workforce development services provided to students and their families at the school, to provide students and families with meaningful employment skills and opportunities; (iv) steps to address achievement gaps for limited English-proficient, special education and low-income students; and (v) notwithstanding chapter 71A, alternative English language learning programs for limited English proficient students. The school committee may retain such programs after the school is no longer designated a priority school. The secretary of health and human services, the secretary of labor and workforce development and the secretary of public safety and security and other applicable state and local social service, health and child welfare officials shall coordinate with the superintendent to support and implement the strategies established pursuant to clauses (i) to (iii), inclusive, that are included in a final turnaround plan and shall, subject to appropriation, reasonably support the implementation, which shall be consistent with the requirements of all state and federal law applicable to the relevant programs to be administered. The secretary of education shall assist the superintendent in facilitating the coordination.
To assess the school across multiple measures of school performance and student success, the turnaround plan shall include measurable annual goals including, but not limited to: (i) student attendance, dismissal rates and exclusion rates; (ii) student safety and discipline; (iii) student promotion, graduation and dropout rates; (iv) student achievement on the statewide assessment system approved by the board under section 1I; (v) progress in improving areas of academic underperformance; (vi) progress among subgroups of students, including low-income students as defined in section 2 of chapter 70, limited English proficient students and students receiving special education; (vii) reduction of achievement gaps among different groups of students; (viii) student acquisition and mastery of STEM-related; (ix) development of college and career readiness, including at the elementary and middle school levels; (x) parent and family engagement; (xi) building a culture of academic success among students; (xii) building a culture of student support and success among school faculty and staff; and (xiii) developmentally appropriate child assessments from pre-kindergarten through third grade, if applicable.

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

Notwithstanding any general or special law to the contrary, the turnaround plan may include provisions that allow the superintendent to: (i) expand, alter or replace the curriculum and program offerings of the school, including the implementation of research-based early literacy programs, early interventions for struggling readers and the teaching of advanced placement courses or other rigorous nationally or internationally recognized courses, if the
school does not already have such programs or courses; (ii) reallocate the uses of the existing
budget of the school; (iii) provide additional funds to the school from the budget of the district, if
the school does not receive funding from the district at least equal to the average per pupil
funding received for students of the same classification and grade level in the district; (iv)
provide funds, subject to appropriation, to expand the length of the school’s day, year or both;
(v) limit, suspend or change 1 or more school district policies or practices that relate to improved
student performance and achievement at the school; (vi) for an elementary school, add pre-
kindergarten and full-day kindergarten classes, if the school does not already have such classes;
(vii) include a provision of job-embedded professional development for teachers at the school,
with an emphasis on strategies that involve teacher input and feedback; (viii) provide for
increased opportunities for teacher planning time and collaboration, including professional
learning communities focused on improving student instruction; (ix) establish a plan for
professional development for administrators at the school, with an emphasis on strategies that
develop leadership skills and use the principles of distributive leadership; (x) redesign and
refocus the use of existing teacher preparation periods in the school to ensure that such
preparation period is utilized to improve student instruction with an emphasis on improved
student performance and achievement at the school; (xi) develop a strategy to search for and
study best practices in areas of demonstrated deficiency in the school; (xii) establish strategies to
address student attendance, mobility and transiency among the student population of the school;
and (xiii) use formative and summative assessments to track student progress and to inform the
instructional strategies employed in the classroom. The plan may also include a financial plan for
the school based on additional funds provided by the district, state, federal government, private
foundations or other sources and may include a process for modifying the plan.
For a school with limited English proficient students, the professional development and planning time for teachers and administrators shall include specific strategies and content designed to maximize the rapid academic achievement of limited English proficient students at the school.

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

(5) The superintendent shall submit the final turnaround plan to the school committee and the teachers in the school for approval and shall forward a copy of the plan to the commissioner. A 2/3 vote of the teachers, including teachers on approved leave, shall be required to approve the plan and shall be conducted by the local teachers union. A copy of the plan shall be provided to the faculty at least 5 days in advance of an informational meeting, which shall be
held at least 5 days in advance of the vote. The vote shall be by secret ballot. For the purposes of
the vote, a teacher shall be any person working at least 50 per cent of the time in the designated
priority school under a license listed in 603 CMR 7.04 (3) (a), (b) or (d). A teacher on an
approved leave at the time of the election may vote in such election. A teacher (i) who has prior
to such vote given notice to leave the school the following year because of retirement,
resignation, voluntary transfer or any other reason or (ii) who has received notice to leave the
school the following year because of involuntary transfer, dismissal or any other reason shall not
be eligible to vote on whether to approve the plan. If a final turnaround plan is not approved
within the time frame provided in this subsection, the process provided in this subsection shall be
terminated and the commissioner may designate the school as underperforming pursuant to
subsection (a). Each turnaround plan shall be authorized for a period of not more than 2 years.
The superintendent, as applicable, shall be responsible for meeting the goals of the plan.

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

If the superintendent, in consultation with the principal of the school, determines that the
school has met the annual performance goals stated in the turnaround plan, the review shall be
considered sufficient and the implementation of the turnaround plan shall continue. If the
superintendent determines that the school has not met 1 or more goals in the turnaround plan and
that the failure to meet the goals may be corrected through reasonable modification of the plan, the superintendent may reconvene the local stakeholder group and may amend the turnaround plan in a manner consistent with the requirements of paragraphs (1) to (5), inclusive; provided, however, that if a turnaround plan includes a process for modifying the plan, such modifications shall be implemented under the plan.

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

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

SECTION 9. Said section 1J of said chapter 69, as so appearing, is hereby further amended by inserting after the figure “chapter 71A”, in line 123, the following words: - ;
provided, however, that the school committee may retain the programs after the school is no
longer designated as underperforming.

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

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

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

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

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

SECTION 15. Said section 1J of said chapter 69, as so appearing, is hereby further amended by striking out, in line 536, the words “regarding his” and inserting in place thereof the following words:-or, if 1 has been appointed pursuant to subsection (r), the school’s receiver regarding the superintendent’s or receiver’s.
SECTION 16. Said section 1J of said chapter 69, as so appearing, is hereby further amended by striking out, in line 558, the word “commissioner” and inserting in place thereof the following words:- superintendent or, if 1 has been appointed pursuant to subsection (r), the school’s receiver.

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

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

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

SECTION 20. Subsection (s) of said section 1J of said chapter 69, as so appearing, is hereby amended by adding the following 2 sentences:- Following the annual appropriation of the school district's operating budget, the amount approved for the operation of each chronically underperforming school shall be available for expenditure by the superintendent or the external receiver for any lawful purpose. A chronically underperforming school shall not expend or incur obligations in excess of its budget; provided, however, that a chronically underperforming school may spend federal and state grants and other funds received independently of its operating budget without approval from the school committee or by the superintendent if a receiver has been appointed.
SECTION 21. Said section 1J of said chapter 69, as so appearing, is hereby amended by striking out, in lines 749 and 750, and in line 751, the words “an underperforming” and inserting in place thereof, in each instance, the following words: a priority, underperforming.

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

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

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

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

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

SECTION 27. Said section 1K of said chapter 69, as so appearing, is hereby further amended by inserting after the figure “71A”, in line 121, the following words: ; provided,
however, that the school committee may retain the programs after the school is no longer
designated as chronically underperforming.

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

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

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

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

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

SECTION 33. Said section 1K of said chapter 69, as so appearing, is hereby further
amended by striking out, in lines 293 and 303, the words “subsection (g)” and inserting in place
thereof, in each instance, the following words:- subsection (h).
SECTION 34. Said section 1K of said chapter 69, as so appearing, is hereby further amended by striking out, in line 355, the words “subsection (h)” and inserting in place thereof the following words:- subsection (i).

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

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

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

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

(i) $4,320 multiplied by the wage adjustment factor or the employee health insurance rate, whichever is less, multiplied by the sum of the foundation teaching staff, the foundation support staff, the foundation assistants, the foundation principals, the foundation clerical staff, the foundation health care staff, the foundation central office professional staff and the foundation custodial staff; plus
(ii) $460 multiplied by the sum of the foundation teaching staff, the foundation support staff, the foundation assistants, the foundation principals, the foundation clerical staff, the foundation health care staff, the foundation central office professional staff and the foundation custodial staff; plus

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

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

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

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

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

“English language learner increment”, the amount allotted within a district for English language learners, as defined in section 3 of chapter 71A, including students enrolled in vocational-technical schools. The English language learner increment shall be determined by multiplying the number of English language learners within in a district by $2,361 in fiscal year 2019, adjusted annually thereafter according to the foundation inflation index.
SECTION 39. Said section 2 of said chapter 70, as so appearing, is hereby further amended by inserting after the definition of “Low-income enrollment” the following definition:-

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

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

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

“Retired employee health insurance rate”, the average group insurance commission premium for all retiree plans for the 3 previous fiscal years; provided, however, that the group insurance commission shall annually, on or before June 30, provide the department with data necessary for the determination of such rate or any increase thereof.
SECTION 41. Said section 2 of said chapter 70, as so appearing, is hereby further amended by inserting after the definition of “Total foundation staff” the following definition:-

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

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

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

Section 14. A city, by a majority vote of its council or board of aldermen and a majority vote of the school committee, or any town, either by a majority vote of its board of selectmen and a majority vote of the school committee or by vote in town meeting, may create a special unpaid regional school district planning committee, to consist of 3 members, 1 of whom shall be a member of the school committee who shall be appointed by the moderator. At the same meeting or at a subsequent meeting, the city or town may appropriate for the expense of the regional school district planning committee such sums, not exceeding 1/10 of 1 per cent of the assessed valuation of such city or town in the preceding year, as it may deem necessary. A regional school district planning committee from 1 municipality may join with other municipalities to form a regional school district planning board. Such regional school district
SECTION 44. Section 14A of said chapter 71 of the General Laws, as so appearing, is hereby amended by inserting before the word “towns”, in line 11, the following words:- cities or.

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

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

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

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

(iii) the type of regional district school or schools; provided, however, that without limiting the generality of the foregoing, the type of regional school may, if it is so stated in the agreement, consist of a vocational school or schools offering such kinds of education as may be provided by cities or towns under chapter 74; provided, further, that any other type of regional school may, if it is so stated in the agreement, offer said kinds of education; and provided further, that a city or town may simultaneously be a member of a vocational regional
school district and any other type of regional school district but when a vocational regional
school district is in operation, no member city or town of such district, and no other type of
regional school district of which such a city or town is a member shall, without the approval of
the commissioner of education, offer the same kinds of education as offered by the vocational
regional school district;

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

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

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

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

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

(ix) any other matters, not incompatible with law, which the said board may deem
advisable.
(b) Copies of any agreements prepared pursuant to subsection (a) shall be submitted to
the department of elementary and secondary education, and subject to its approval, to the several
cities and towns for their acceptance.

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

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

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

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

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

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

SECTION 50. Clause (1) of section 37H ½ of said chapter 71, as so appearing, is hereby
amended by striking out the last sentence and inserting in place thereof the following sentence:-
The decision shall be delivered in writing to the student and to the student’s parents or guardian, and shall be the final decision of the city, town, regional school district or charter school with regard to the suspension.

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

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

SECTION 52. Said section 37H½ of said chapter 71, as so appearing, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

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

SECTION 53. Said section 37H½ of said chapter 71, as so appearing, is hereby further amended by adding the following subsection:-
(3) Each commonwealth charter school shall establish a panel consisting of 3 members of the board of trustees to hear appeals of disciplinary actions taken by the charter school, 1 of whom shall be the representative of the district school committee and 2 other members who shall be appointed by the chairperson of the board of trustees. Unless otherwise provided in this section, the panel shall have the same rights and responsibilities as a superintendent in hearing appeals and issuing final decisions. A notice appealing a decision of a charter school principal or headmaster to suspend or expel a student shall be directed to the chairperson of the board of trustees who shall provide the notice to the members of the panel and ensure a timely hearing and final decision. Meetings of the panel shall not be subject to the requirements of sections 18 to 25 of chapter 30A.

SECTION 54. Section 37H⅔ of said chapter 71, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words “in the commonwealth” and inserting in place thereof the following words:- , including a district or commonwealth charter school.

SECTION 55. Section 37H⅔ of chapter 71, as so appearing, is hereby amended by adding the following 2 subsections:-

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

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

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

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

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

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

Each board of trustees shall consist of not fewer than 5 members and not greater than 20 members, as provided for in the application and approved by the board, 1 of whom shall be a full-time teacher at the commonwealth charter school elected by teachers at the school, who shall be a voting member; 1 of whom shall be an elected or appointed member of the school committee from the sending district or a designee, who shall be a voting member and who shall be chosen by the district school committee; provided, however, that the board of trustees for a
regional charter school shall include 1 school committee member from 1 of the sending districts that make up the region served by the charter school who shall be chosen jointly by the school committees of the sending districts; and 25 per cent of the total membership or 2 members, whichever is greater, shall be parents or guardians of students currently enrolled at the commonwealth charter school elected as parent-guardian representatives by parents or guardians, who shall be voting members; provided, however, that each board of trustees for a commonwealth charter high school shall also include 1 member who is a student currently enrolled at the commonwealth charter high school elected by students at the school, who shall be a voting member; and provided, further, that any of the specific designations on the board of trustees may be waived where best efforts have been made but failed to identify a designee. All elections or appointments to the commonwealth charter school board of trustees shall serve for an established term of years as stated in the application to establish the commonwealth charter school, provided, however, that a person elected or appointed to fill a vacancy shall serve only for the remainder of the unexpired term; and provided, further, that members may be elected or appointed for more than 1 term.

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

Each board of trustees shall consist of not fewer than 5 members and not greater than 20 members, as provided for in the application and approved by the board, 1 of whom shall be a full-time teacher at the Horace Mann charter school elected by teachers at the school, who shall be a voting member; 1 of whom shall be an elected or appointed member of the school committee from the sending district or a designee, who shall be a voting member and who shall
be chosen by the district school committee provided, however, that the board of trustees for a
regional charter school shall include 1 school committee member from 1 of the sending districts
that make up the region served by the charter school who shall be chosen jointly by the school
committees of the sending districts; and 25 per cent of the total membership or 2 members,
whichever is greater, shall be parents or guardians of students currently enrolled at the Horace
Mann charter school elected as parent-guardian representatives by parents or guardians, who
shall be voting members; provided, however, that each board of trustees for a Horace Mann
charter high school shall also include 1 member who is a student currently enrolled at the Horace
Mann charter high school elected by students at the school, who shall be a voting member; and
provided, further, that any of the specific designations on the board of trustees may be waived
where best efforts have been made but failed to identify a designee. All elections or
appointments to the Horace Mann charter school board of trustees shall serve for an established
term of years as stated in the application to establish the Horace Mann charter school, provided,
however, that a person elected or appointed to fill a vacancy shall serve only for the remainder of
the unexpired term; and provided, further, that members may be elected or appointed for more
than 1 term.

SECTION 59. Subsection (d) of said section 89 of said chapter 71, as so appearing, is
hereby amended by adding the following sentence:- Notwithstanding any general or special law
to the contrary, for applicants with a record of operating at least 1 charter school in the
commonwealth, the board shall not accept a new or expansion application if: (i) the average 3
year overall rate of out of school suspensions of the charter school is greater than the sending
district’s average 3 year overall rate of out of school suspensions in the same grades served by
the charter school; or (ii) the average 3 year rate of out of school suspensions within any
particular subgroup identified by the board including, but not limited to, race, ethnicity, gender, special education status, and English language learner status, is greater than the sending district’s average 3 year rate of out of school suspensions within that subgroup in the same grades served by the charter school; provided, however, that this shall not apply to alternative education charters as defined under subsection (iii) of paragraph (5) of subsection (i) of this section; and, provided further that the board may grant a waiver to a charter school relative to a particular subgroup if the board certifies that the gap in that subgroup is de minimus and that the school has made a rigorous effort to avoid out of school suspensions for all students.

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

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

SECTION 62. Said section 89 of said chapter 71, as so appearing is hereby further amended by inserting after the word “schools”, in line 109, the following words:- ; (xvii) a summary, including the date, of the applicant’s meeting with the local superintendents and public hearings; (xviii) an analysis of the anticipated impact on the community involvement, educational opportunities and financial capacity of the school districts from which the charter school is expected to enroll students and (xix) an analysis of the impact on the programs and services of the sending school district or districts, including, but not limited to, impacts related to fixed, variable and step variable costs.
SECTION 63. Subsection (h) of said section 89 of said chapter 71, as so appearing, is hereby amended striking out the first paragraph and inserting in place thereof the following 3 paragraphs:-

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

An application submitted for the establishment of a commonwealth charter school shall: (i) be submitted to the board for approval under this section; and (ii) be filed with the local school committee for each school district from which the charter school is expected to enroll students. Before final approval to establish a commonwealth charter school, the board shall hold a public hearing on the application in the school district in which the proposed charter school is to be located and solicit and review comments on the application from the local school committee of each school district from which the charter school is expected to enroll students and any contiguous districts. At least 1 member of the board shall attend the public hearing. The district superintendent may submit an analysis to the department that describes how approval of the proposed charter school may affect the district’s students. A comprehensive written summary of all materials prepared by the department or its administrative subdivisions, which evaluates or recommends approval or disapproval of a charter school application shall be
delivered to (i) the members of the board, (ii) the charter school applicant; (iii) the chairperson of any sending district school committee; (iv) the superintendent of any proposed sending district; and (v) the chief executive officer of any municipality in a proposed sending district. Materials prepared by the department in support of or in opposition to a charter school’s application shall be provided not later than 3 days before any board vote on the charter application. In making a recommendation to the board on an application, the commissioner shall explain in writing to the board that the commissioner’s decision is responsive to the district superintendent’s submission and provide an assessment of the accuracy of the analysis of the impact on the programs and services of the sending school district or districts required under clause (xix) of subsection (e).

The board shall substantially consider materials submitted to the department or the board by the superintendent or school committee of each school district from which the charter school is expected to enroll students.

For the purposes of this paragraph, “late arrivals” shall mean any student who either moves to or enrolls in the school district after the district’s assignment process or the charter’s lottery, whichever first occurs. Prior to submitting the application, a commonwealth charter school may develop, with the school districts from which it enrolls students, a memorandum of understanding relative to establishing a policy between the school districts and the commonwealth charter school related to the enrollment of late arrivals. No student shall be required to attend a commonwealth charter school unless the student or the student’s parent or guardian accepts the offer of enrollment. The memorandum of understanding shall be subject to the approval of the department. The board of elementary and secondary education shall give preference to applications that include such a memorandum of understanding and the department shall promulgate regulations to articulate the measure by which that preference shall be enacted.
Late arrivals shall not count toward the school district’s net school spending cap in the first year attending a commonwealth charter school but shall count in all subsequent years that the student remains in the charter school.

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

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

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

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

SECTION 67. Said paragraph (2) of subsection (i) of said section 89 of said chapter 71, as so appearing, is hereby further amended by striking out the third paragraph.
SECTION 68. Said subsection (i) of said section 89 of said chapter 71, as so appearing, is hereby amended by inserting after paragraph (2) the following 2 paragraphs:-

(2½) Horace Mann charter schools and innovation schools, as defined in section 92 shall not be counted towards a school district’s net school spending cap; provided, however, that a school committee may exercise the option of including as part of the district’s net school spending for all subsequent fiscal years: (i) all district Horace Mann charter schools; (ii) all innovation schools, as defined in said section 92; or (iii) both district Horace Mann charter schools and innovation schools but, in school districts in which the school committee is an appointed body, the school committee’s appointing authority shall exercise the option. The option shall be communicated in writing to the board by July 1. If a school committee, or the school committee’s appointing authority in school districts where the school committee is an appointed body, opts to include Horace Mann charter schools, innovations schools or both towards the school district’s net school spending, the option shall not be revoked. Upon acceptance of the option, the schools included under clauses (i), (ii) or (iii) then currently operating and any schools of that type to be opened in that school district after the board is notified, shall be counted toward the school district’s net school spending cap thereafter. If the school committee, or the school committee’s appointing authority in school districts where the school committee is an appointed body, opts to include either Horace Mann charter schools or innovation schools, but not both, the school committee may at a later date exercise the option under clause (iii). Horace Mann charter schools and innovation schools may be approved in excess of any school district’s net school spending cap. The department shall promulgate regulations to determine the method for counting per pupil spending in Horace Mann charter schools and innovation schools toward the net school spending cap.
(2½) Charter schools with the primary purpose to establish alternative education programs under clause (iii) of paragraph (5) shall not count toward a school district’s net school spending cap or towards the number of charter schools under paragraph (1) and may be granted in excess of a district’s net school spending cap in any year.

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

(3) In any fiscal year, if the board determines based on student performance data collected pursuant to section 11, said district is in the lowest 10 per cent of all statewide student performance scores released in the 2 consecutive school years before the date the charter school application is submitted, the school district's total charter school tuition payment to commonwealth charter schools may exceed 9 per cent of the district's net school spending but shall not exceed 18 per cent; provided however, a school district’s total charter school tuition payment to commonwealth charter schools may exceed 18 per cent according to subsections (mm) and (nn). For a district qualifying under this paragraph whose charter school tuition payments exceed 9 per cent of the school district's net school spending, the board shall only approve an application for the establishment of a commonwealth charter school if the applicant, or a provider with which an applicant proposes to contract, has a record of operating at least 1 school or similar program that demonstrates organizational viability, as well as success recruiting, retaining, and educating student populations similar to those the proposed school seeks to serve which shall include students: (i) eligible for free lunch; (ii) eligible for reduced price lunch; (iii) who require special education; (iv) with limited English-proficiency or of similar language proficiency level as measured by the Massachusetts English Proficiency
Assessment examination or a successor assessment approved by the board; (v) sub-proficient, which shall mean students who have scored in the "needs improvement", "warning" or "failing" categories on the mathematics or English language arts exams of the Massachusetts Comprehensive Assessment System or a successor statewide assessment system approved by the board for 2 of the past 3 years or as defined by the department using a similar measurement; (vi) who are designated as at risk of dropping out of school based on predictors determined by the department; (vii) who have dropped out of school; (viii) who are homeless; (ix) who are pregnant or parenting; or (x) otherwise considered to be at-risk students who should be targeted to eliminate achievement gaps among different groups of students.

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

(5) The board shall only approve an application for the establishment, renewal, amendment, or expansion of a commonwealth charter school if the school meets at least 1 of the following criteria: (i) the school enrolls students using an opt-out admissions lottery process that automatically includes the names of all eligible students, without any required application process for the school; (ii) the school enrolls students through participation in the assignment system of the district in which the school is located; provided, however, that the charter school enrolls only students from that district; provided further that a commonwealth charter school may not displace a district school as 1 of a student’s quality options under any quality access guarantee that the district offers through its assignment system but may augment the district schools in a student’s choice options; and, provided further that a student shall not be required to attend a commonwealth charter school; and, provided further that within the walk zone for the school, as calculated by the district’s preexisting student assignment system, the percentage of
students who qualify for the free or reduced price lunch program, or a successor measure as
adopted by the department, is equal to or higher than the district’s overall percentage of students
who qualify for the program or (iii) the school’s primary purpose is to establish alternative
education programs designed to serve at-risk students, students who have dropped out of school,
students who are homeless, or students who are pregnant or parenting and not less than 75 per
cent of students enrolled at the school shall qualify as at-risk students, students who are
homeless, students who are pregnant or parenting, or students who have dropped out of school.

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

SECTION 71. Said section 89 of said chapter 71, as so appearing, is hereby amended by
inserting after the word “schools”, in line 328, the following words: provided, further, that
contracts and leases for the procurement of services, equipment and supplies, including, but not
limited to, contracts for the management or operation of the school, shall be publicly available on
the charter school’s website; and provided, further, that executed contracts for the management
or operation of a charter school shall be made publicly available on the charter school’s website
not later than 10 days after the contract is executed;.

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

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

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

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

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

SECTION 75. Said subsection (m) of said section 89 of said chapter 71, as so appearing,
is hereby further amended by adding the following 4 paragraphs:-
For a charter school qualifying under clause (i) of paragraph (5) of subsection (i), all
students eligible to attend the school under the district’s assignment policy, if it were a district
school, shall be deemed eligible for enrollment in the charter school without any application
process required for admission to the school. The charter school shall conduct an admissions
lottery, including the names of all eligible students, to fill all of the spaces in the school;
provided, that the lottery shall be based upon a list of eligible students provided by the district at
a date determined by the department. In the event that the parents or guardians of a student who
is randomly selected for admission to the charter school through the lottery determine not to
enroll the student in the charter school, then the charter school shall fill that enrollment space
with a student from the waitlist maintained pursuant to this subsection. Parents or guardians of a
student may make a written request to the school district that the student’s name not be included
in the enrollment lottery.

Each charter school qualifying under clause (i) of paragraph (5) of subsection (i) shall
conduct an opt-out lottery at least once during the academic year. Through the lottery, the charter
school shall randomly select a number of students equal to the number of anticipated enrollment
spaces and shall randomly select a number of additional students to be placed on a waitlist. The
charter school operator, who shall maintain the waitlist, shall determine the number of students
randomly selected for the waitlist in order to fill any open enrollment spaces that become
available throughout the year. A charter school may conduct additional opt-out lottery draws
during an academic year if the school determines that its waitlist will be exhausted prior to the
fulfillment of all midyear enrollment spaces. An additional opt-out lottery shall place any
students not immediately placed in an open enrollment space on the waitlist. If a student
randomly selected through an opt-out lottery remains on a waitlist at the close of the academic
year in which the student was randomly selected, the student shall have the option to receive
preference in placement for the next available enrollment space in the next highest grade level,
unless the next highest grade level is not offered by the charter school, prior to the expiration of
the waitlist on July 1.

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

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

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

Charter schools qualifying under clause (iii) of paragraph (5) of subsection (i) may offer
enrollment preferences to at-risk students, students who are homeless, students who are pregnant
or parenting or students who have dropped out of school. In charter schools that offer such
enrollment preferences, priority for enrollment shall be given first to at-risk students, students
who are homeless, students who are pregnant or parenting, or students who have dropped out of
school and second to other students who reside within the city or town in which the charter
school is located but are not at-risk students, students who are homeless, students who are
pregnant or parenting or students who have dropped out of school. Notwithstanding any general
or special law to the contrary, a charter school qualifying under said clause (iii) of said paragraph (5) of said subsection (i) may limit admissions to students who qualify as at-risk students, students who are homeless, students who are pregnant or parenting, students who have dropped out of school, or a combination thereof.

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

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

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

In addition to providing the information pursuant to subsection (e), any charter school
that offers geographical enrollment preferences shall include in its application for approval: (i) a
definition of the geographical area for which it shall offer an enrollment preference; (ii) an
explanation of how this preference shall support the mission of the charter school and the
academic performance of its students; (iii) evidence that within this geographical area or walk
zone there resides an equal or higher percentage of low-income students, as measured by
qualification for the free or reduced price lunch program, or a successor measure as approved by
the department, as compared to the district as a whole; and (iv) an explanation of how the charter
school shall target its recruitment and retention efforts for students within this geographical area.

When a charter school that chooses to offer a geographical preference seeks charter renewal and
intends to continue applying the geographical preference, the board shall consider whether the
preference area continues to support the mission of the charter school and the academic
performance of its students, and whether the preference area continues to serve an adequate
percentage of low-income students to qualify as a geographical preference area under this
subsection.
If a commonwealth charter school offers geographical enrollment preferences, students who reside within the geographical preference area shall have priority for enrollment in any open seats over students who reside in the city or town in which the charter school is located but outside of the geographical preference area. If a Horace Mann charter school offers geographical enrollment preferences, priority for enrollment shall be given in the following order: (i) to students actually enrolled in the school on the date the application is filed with the board and their siblings; (2) to students who reside within the geographical preference area and are enrolled in the public schools of the district where the Horace Mann charter school is to be located; (3) to other students who reside within the geographical preference area; (4) to other students enrolled in the public schools of the district where the Horace Mann charter school is to be located but who reside outside of the geographical preference area; and (5) to other students who reside outside of the geographical preference area but within the city or town in which the charter school is located.

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

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

When a student stops attending a charter school for any reason, the charter school shall fill the vacancy with the next available student on the waitlist for the grade in which the vacancy occurs and shall continue through the waitlist until a student fills the vacant seat. If there is no
waitlist, a charter school shall publicize an open seat to the students of the sending district or districts and make attempts to fill said vacant seat. The charter school shall send the name of the student filling such vacancy to the department for the purposes of the department updating its waitlist as part of its monthly update.

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

SECTION 78. Subsection (p) of said section 89 of said chapter 71, as so appearing, is hereby further amended by striking out, in lines 444 to 445, the words “and 37H½” and inserting in place thereof the following words:- , 37H½ and 37H¾. School policies pertaining to the
conduct of students and consequences for violations of said policies, including, but not limited
to, the criteria for expulsion, shall be made publicly available on the charter school’s website.

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

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

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

The department shall establish an exchange program to promote the sharing of best
practices and innovations between teachers and administrators employed by charter schools and
teachers and administrators employed by district schools. The department shall recruit teachers
and administrators to participate in the exchange program from charter schools and district
schools that the department has identified as exemplars of excellence in achievement, instruction
or innovation. The department shall administer the exchange program by facilitating a
comparable temporary exchange of a teacher or administrator employed by a charter school with
a teacher or administrator employed by a district school for a full school year. A participant in
the exchange program shall abide by the school policies of the school to which the participant
has been assigned for the school year; provided, however, that the participant shall continue to
receive a salary and benefits from the participant’s employer of record. Annually, the
department shall convene the teachers and administrators who participated in the exchange
program during the past year to discuss best practices and innovations.
SECTION 81. Subsection (u) of said section 89 of said chapter 71, as so appearing, is hereby amended by striking out, in line 492, the words “chapter 268A” and inserting in place thereof the following words:— chapters 30A, 66 and 268A.

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

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

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

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

A charter school shall establish evaluation systems and performance standards for the evaluation of teachers. The evaluation systems and performance standards shall comply with the
principles of evaluation established by the board, comply with section II of chapter 69 or be
approved by the commissioner.

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

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

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

(2) If a charter school provides transportation for its students through an
independent transportation vendor that does not qualify for reimbursement under paragraph (1),
the school district shall not be responsible for any transportation costs incurred by the charter
school.
(3) If a school district limits transportation for district school students, the charter school’s transportation shall be subject to the same limitations, which may include, but not be limited to, travel distance limits, mode of transportation, attendance zones, geographic subdivisions of the district, and limits included in a district’s school assignment or transportation policies; provided, however, that, if a school district provides transportation throughout the school district without geographic limitation for local district schools focused on specialized programs, including, but not limited to, (i) language specialties; (ii) arts; (iii) special education; (iv) vocational technical education; (v) students at-risk of dropping out of school or who have dropped out of school; (vi) and science, technology, engineering and math, the school district shall provide the same transportation to charter schools that provide specialized programs; provided further, that a college preparatory programs shall not be considered a specialized program for the purposes of this paragraph.

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

(5) Annually, but not later than July 1, school districts shall report to the department on the average number of field trips that they offered per grade per year over the prior 3 academic years. The school district shall be responsible in the next academic year for the cost of transportation of students in each grade in a charter school up to that school district grade’s average of the prior 3 years, subject to the conditions of paragraph (1) of this subsection relative to start time. For field trips beyond the 3 year average in any grade, the charter school shall be responsible for the full cost of transportation.
(6) A charter school and the sending district shall meet to plan bus routes and charter school starting and ending times in order to assist the district with cost effective means of transportation. Schools operating under a charter granted after January 1, 1997, and all charter schools operating during fiscal year 1999 and thereafter, shall not receive funds for transportation above the amount actually required by such charter school for the provision of transportation services to eligible students. If the sending district provides an alternative method of transportation for students enrolled in the sending district's public schools, it shall not be assessed for transportation costs which exceed the per pupil cost of said alternative. Costs for transportation shall be included only if transportation is provided for students in the same program and grade level as those in the charter school. Students who do not reside in the district in which the charter school is located shall be eligible for transportation in accordance with section 12B of chapter 76. A regional charter school as designated by the board, and whose charter provides for transportation of all students from charter municipalities shall also be reimbursed by the commonwealth under section 16C of chapter 71 for transportation provided to pupils residing outside the municipality where the charter school is located, but no reimbursement for transportation between the charter school and home shall be made on account of any pupil who resides less than 1.5 miles from the charter school, measured by a commonly traveled route. If a charter school provides its own transportation, the school shall coordinate and collaborate with the sending district to provide cost effective means of transportation. All such transportation shall be determined in advance of the approval of the district's final budget for a fiscal year; provided, however, that a commonwealth charter school shall be required to determine such transportation in the first year of its operation as soon as practicable.
SECTION 87. Said section 89 of said chapter 71, as so appearing, is hereby further amended by inserting after the word “students,” in line 641, the following words: - ; provided, however, that a commonwealth charter school shall not be renewed if: (i) the average 3 year student attrition rate of the charter school is greater than the sending district’s average 3 year student attrition rate in the same grades served by the charter school; (ii) the average 3 year student stability rate of the charter school is less than the sending district’s average 3 year student stability rate in the same grades served by the charter school; (iii) the average 3 year student attrition rate within any particular subgroup identified by the board including, but not limited to, race, ethnicity, gender, special education, and English language learner status, is greater than the sending district’s average 3 year student attrition rate within that subgroup or (iv) the average 3 year student stability rate within any particular subgroup identified by the board including, but not limited to, race, ethnicity, gender, special education, and English language learner status, is less than the sending district’s average 3 year student stability rate within that subgroup; provided, further, that the board may grant to a charter school otherwise disqualified under clauses (iii) and (iv) a waiver relative to particular subgroup if it certifies that the gap in that subgroup is de minimus and that the charter school has made a rigorous effort to retain all students.

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

When deciding on a charter renewal, the board shall also consider: (i) a charter school’s discipline policies; (ii) whether the charter school has met its obligations under sections 37H, 37H1/2 and 37H3/4 of this chapter; and (iii) the prevalence of the use of out of school suspensions by the charter school.
A commonwealth charter shall not be renewed if: (i) the average 3 year overall rate of out of school suspensions of the charter school is greater than the sending district’s average 3 year overall rate of out of school suspensions in the same grades served by the charter school; provided; provided further that if the charter school’s average 3 year overall rate is higher than the sending district’s, the board may grant a 2 year probationary period, during which time the department shall oversee and provide technical assistance to the charter school in lowering its out of school suspension rate; provided further that if the average 2 year rate of out of school suspension rate during said probationary period is greater than the sending district, the board shall not renew the charter; or (ii) the average 3 year rate of out of school suspensions within any particular subgroup identified by the board including, but not limited to, race, ethnicity, gender, special education status, and English language learner status, is greater than the sending district’s average 3 year rate of out of school suspensions within that subgroup; provided further that the board may grant a charter school a waiver relative to a particular subgroup if it certifies that the gap in that subgroup is de minimus and that the school has made a rigorous effort to avoid out of school suspensions for all students and subgroups; provided further that if the charter school’s average 3 year rate of out of school suspensions is higher than the sending district’s for any particular subgroup whose gap the board has not certified as de minimus, the board may grant a 2 year probationary period, during which time the department shall oversee and provide technical assistance to the charter school in lowering its out of school suspension rate; provided, further that if the average 2 year rate of out of school suspension for any subgroup identified by the board during said probationary period is greater than the sending district’s, the board shall not renew the charter. This paragraph shall not apply to alternative education charters as defined under subsection (iii) of paragraph (5) of subsection (i).
SECTION 89. Said section 89 of said chapter 71, as so appearing, is hereby amended by striking out subsection (gg) and inserting in place thereof the following 2 subsections:—

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

(gg½) Subject to appropriation, the department shall provide small district equity aid funding to a school district with not more than 1,000 students that sends at least 1 student to a charter school. The sending district shall receive not more than $1,000 per child attending a charter school each year the child attends a charter school.

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

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

Annually, not later than August 1, each charter school shall submit an annual report to the board, to the local school committee and to each parent or guardian of its enrolled students. The annual report shall also be made publicly available on the charter school’s website. The annual
report shall be in such form as may be prescribed by the board and shall include, but not be
limited to: (i) a discussion of progress made toward the achievement of the goals set forth in the
charter; (ii) a financial statement setting forth by appropriate categories the revenue and
expenditures for the year just ended and a balance sheet setting forth the charter school's assets,
liabilities and fund balances or equities; and (iii) the charter school’s capital plan and the amount
and sources of public and private funds committed to the capital plan, including the capital needs
component of the charter school’s tuition.

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

SECTION 92. Subsection (kk) of said section 89 of said chapter 71, as so appearing, is
hereby amended by striking out the last sentence and inserting in place thereof the following 2
sentences:- Pursuant to the regulations promulgated by the board, the commissioner shall,
pursuant to regulations promulgated by the board, collect attrition and stability data, including,
but not limited to, the number of students leaving each charter school and the reasons for leaving.
Data shall include attrition and stability outcomes within demographic subgroups including, but
not limited to, race, ethnicity, gender, special education status, and English language learner
status. Annually, not later than December 1, the commissioner shall make the data publicly
available online in human and machine readable formats, annually on or before December 1, and
shall file the data annually with the clerks of the senate and house of representatives and senate
and the joint committee on education not later than December 1.

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

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

(2) In any fiscal year in which the general appropriation act does not fully meet
the implementation schedule for that fiscal year, the net school spending cap for school districts
qualifying under paragraph (3) of subsection (i) shall increase by an amount equal to 0.5 per cent
multiplied by the amount appropriated in the general appropriation act divided by the amount
included in the implementation schedule for that fiscal year under said section 5B½ of said
chapter 29; provided, however, that the net school spending cap shall not increase by more than
0.5 per cent in any fiscal year. If an amendment to the implementation schedule is made in any fiscal year that reduces the number of years to fully fund the implementation schedule prior to fiscal year 2025 and the commonwealth appropriates the amount according to the schedule, a school district’s net school spending toward charter school tuition payments shall increase according to subsection (nn).

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

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

SECTION 94. Notwithstanding any general or special law to the contrary, if in fiscal year 2019, upon exercising the option under paragraph (2½) of subsection (i) of section 89 of chapter 71 of the General Laws to include Horace Mann schools or innovation schools, or both, toward a district’s net school spending cap, the charter school tuition payment of a school district qualifying under paragraph (3) of said subsection (i) of said section 89 of said chapter 71 is at or above 20 per cent but below 23 per cent, the school committee or, in school districts in which the school committee is an appointed body, the school committee’s appointing authority, may
request that the board immediately implement the increased net school spending cap as provided
in subsections (mm) and (nn) of said section 89 of said chapter 71 in such a way that the district
is eligible for a net school spending cap increase of up to 0.5 per cent annually until it reaches 23
per cent. Commonwealth charter schools shall only be approved under this paragraph for
expansions of existing commonwealth charter schools into grades not currently approved for
those charter schools; provided, however, that subsections (mm) and (nn) of said section 89 of
said chapter 71 shall be met in each relevant fiscal year in order for a net school spending cap to
increase under this section.

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

The commission shall consist of 15 members: 2 of whom shall be appointed by the
president of the senate, 1 of whom shall serve as a co-chair; 2 of whom shall be appointed by the
speaker of the house of representatives, 1 of whom shall serve as a co-chair; 1 of whom shall be
appointed by the minority leader of the senate; 1 of whom shall be appointed by the minority
leader of the house of representatives; the secretary of education or a designee; the commissioner
of elementary and secondary education or a designee; the secretary of administration and finance
or a designee; a representative of the Massachusetts Association of School Committees, Inc.; a
representative of the Massachusetts Association of School Superintendents, Inc.; a representative
of the Massachusetts Teachers Association; a representative of the American Federation of
Teachers; a representative of the Massachusetts Charter Public School Association, Inc.; and a representative of the Massachusetts Business Alliance for Education.

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

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

The task force shall: (i) conduct a comprehensive study, including a review of the scientific findings relative to sleep needs of adolescents, relative to the effect that middle school and secondary school start times have on the health and academic performance of students; (ii) determine the number of districts in the Commonwealth that have implemented later school day starting times for middle school and secondary schools and examine the academic performance of students, including performance on statewide tests; and (iii) identify resources and
opportunities to assist districts in implementing later school day start times for middle school and secondary schools, should their findings under items (i) and (ii) suggest that later start times are beneficial to student learning.

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

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

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

SECTION 99. The department of elementary and secondary education, in consultation with the Massachusetts office of information technology, the department of transitional
assistance, the office of Medicaid and the executive office of health and human, services shall make recommendations to update the calculation and definition for “low-income enrollment” in section 2 of chapter 70 of the General Laws. The department shall file the recommendations with the clerks of the house of representatives and the senate, the house and senate chairs of the committees on ways and means, and the chairs of the joint committee on education not later than January 1, 2017. The updated calculation and definition may be implemented under chapter 70 including increments to reflect the needs of districts with high concentrations of low-income students.

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

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

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

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

SECTION 104. Commonwealth charter schools in existence on the effective date of this act shall demonstrate, upon filing an application for renewal or expansion, that the charter school has documented progress in attaining certification for all teachers employed by the charter school; provided, however, that all commonwealth charter schools shall reach full teacher certification by July 1, 2019.
SECTION 105. Sections 3, 35 to 41, inclusive, and 93 shall take effect on January 1, 2018.

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

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

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

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