

SENATE No. 2209

Senate April 5, 2016 -- Text of amendment (50) (offered by Senator Spilka) to the Senate Bill enhancing reform, innovation and success in education (Senate, No. 2203)

The Commonwealth of Massachusetts

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

1 by inserting after the figure “70”, in line 45, the following words:- “as most recently
2 updated by section 3 of the general appropriation act”; and

3 in said section 3, in proposed section 5B ½, in subsection (a), by striking out the second
4 sentence and inserting in place thereof the following sentence:- “The implementation schedule
5 shall establish a foundation budget as defined in section 2 of said chapter 70 incorporating the
6 categories of tuitioned-out special education rate, assumed in-school special education
7 enrollment, low-income expanded program increment, low-income enrollment, retired employee
8 health insurance rate and English language learner expanded program increment as defined in
9 section 2 of chapter 70 over a period of 7 fiscal years; provided, however, that in the first year of
10 the term of office of a governor who has not served in the preceding year the parties shall
11 determine an implementation schedule not later than January 31 of that year.” and

12 in section 7, by inserting after the word “copy”, in line 90, the following word:- “of”; and

13 by striking out sections 35 to 41, inclusive, and inserting in place thereof the following 8
14 sections:-

15 “SECTION 35. Chapter 70 of the General Laws is hereby amended by striking out
16 section 2, as appearing in the 2014 Official Edition, and inserting in place thereof the following
17 section:-

18 Section 2. As used in this chapter and in chapters 15, 69 and 71, the following words
19 shall have the following meanings unless the context clearly requires otherwise:

20 "Administration allotment", the amounts allotted within a district's foundation budget for
21 administration in any fiscal year; provided, however, that the fiscal year 2017 “administration
22 allotment”, based on a sum of the following rate calculations, shall be the base year, adjusted
23 annually by the foundation inflation index:

24 (i) \$182.01 multiplied by the foundation preschool enrollment and the foundation half-
25 day kindergarten enrollment;

26 (ii) \$364 multiplied by the foundation full-day kindergarten enrollment, the foundation
27 elementary enrollment, the foundation junior high or middle school enrollment, the foundation
28 high school enrollment, and the foundation vocational enrollment; and

29 (iii) \$2,512.26 multiplied by the assumed in-school special education enrollment and the
30 assumed tuitioned-out special education enrollment.

31 "Assumed in-school special education enrollment", 4 per cent of the total foundation
32 enrollment in a district not including vocational or preschool enrollment, plus 5 per cent of
33 vocational enrollment.

34 "Assumed tuitioned-out special education enrollment", 1 per cent of the total foundation
35 enrollment in a district, not including vocational or preschool enrollment.

36 "Base Aid", in a fiscal year, the total amount of chapter 70 aid provided in the general
37 appropriation act of the previous fiscal year.

38 "Board", the board of elementary and secondary education.

39 "Chapter 70 aid", the sum of a district's base aid, foundation aid increment, if any, and
40 minimum aid increment, if any, in a fiscal year; provided, however that nonoperating district
41 shall receive chapter 70 aid in an amount greater than the district's foundation budget.

42 "Classroom and specialist teachers allotment", the amount allotted within a district's
43 foundation budget for classroom and specialist teachers in a fiscal year; provided, however, that
44 the fiscal year 2017 "classroom and specialist teachers allotment", based on a sum of the
45 following rate calculations, shall be the base year, adjusted annually by the foundation inflation
46 index:

47 (i) \$1,507.26 multiplied by the foundation preschool enrollment and the foundation half-
48 day kindergarten enrollment;

49 (ii) \$3,014.51 multiplied by the foundation full-day kindergarten enrollment;

50 (iii) \$3,014.47 multiplied by the foundation elementary enrollment;

51 (iv) \$2,652.75 multiplied by the foundation junior high or middle school enrollment;

52 (v) \$3, 901.09 multiplied by the foundation high school enrollment;

53 (vi) \$8,289.83 multiplied by the assumed in-school special education enrollment; and

54 (vii) \$6,631.89 multiplied by the foundation vocational enrollment.

55 "Combined effort yield", the sum of a municipality's equalized property valuation
56 multiplied by its uniform property percentage and its income multiplied by its uniform income
57 percentage.

58 "Commissioner", the commissioner of elementary and secondary education.

59 "Department", the department of elementary and secondary education.

60 "District" or "School district", the school department of a city or town or a regional
61 school district.

62 "Effort reduction percentage", the percentage of excess effort to be reduced in any given
63 year.

64 "Employee benefits and fixed charges allotment", the amount allotted within a district's
65 foundation budget for employee benefits and fixed charges; provided, however, that for fiscal
66 year 2019 and after, the employee benefits and fixed charges allotment shall be the employee
67 health insurance rate multiplied by the number of active employees for whom the district
68 provides health insurance, plus the retired employee health insurance rate multiplied by the
69 number of the district's retired employees, plus the product of .29 and the sum of the employee
70 health insurance rate and the retired employee health insurance rate.

71 "Employee health insurance rate", the average group insurance commission premium for
72 all plans for the 3 previous fiscal years; provided, however, that the group insurance commission
73 shall annually, not later than June 30, provide the department with data necessary for the
74 determination of such rate or any increase thereof.

75 “English language learner enrollment”, the number of students enrolled in English
76 language learners programs established pursuant to chapter 71A, including students enrolled in
77 vocational and technical schools.

78 “English language learner expanded program increment”, the amount allotted within a
79 district’s foundation budget for additional services for English language learners, including those
80 enrolled in vocational and technical schools; provided, however, that the increment shall be
81 \$2,361 multiplied by the number of English language learners in the district for fiscal year 2017,
82 adjusted annually thereafter by the foundation inflation index.

83 “Enrollment categories”, any of the following categories in which a student, including
84 students enrolled in special education programs and students attending a school in another
85 district, pursuant to section 12B of chapter 76, who resides in the district and who attends either
86 a public school in that district or a school for which the district of residence pays tuition, is
87 placed; provided, however, that any such student shall be placed in only 1 enrollment category
88 depending on the grade and program to which the student is assigned; provided further, that
89 English language learners and low-income students shall be placed in 1 of the following
90 enrollment categories and shall be counted for the purposes of calculating the English language
91 learners increment and the low-income expanded program increment:

92 (i) “elementary enrollment”, number of students enrolled in grades 1 through 5 and not
93 enrolled in English language learner, or vocational programs in a district;

94 (ii) “high school enrollment”, the number of students enrolled in grades 9 through 12 and
95 not enrolled in English language learner, or vocational programs in a district;

96 (iii) “junior high or middle school enrollment”, the number of students enrolled in grades
97 6 through 8 and not enrolled in English language learner, or vocational programs in a district;

98 (iv) “kindergarten enrollment”, the number of students enrolled in kindergarten and not
99 enrolled in English language learner, or vocational programs in a district; provided, however,
100 that in any district in which kindergarten students attend school for a full day, the foundation
101 kindergarten enrollment used to calculate the foundation budget amount described in this section
102 shall be 2 times the kindergarten enrollment number that would otherwise be used for said
103 calculations if said district and all towns responsible for appropriating for said district so request;

104 (v) “preschool enrollment”, the number of students enrolled in preschool programs in a
105 district; and

106 (vi) “vocational enrollment”, the number of students enrolled in vocational, education
107 programs or an agricultural school in a district.

108 “Equalized property valuation”, the annual equalized property valuation for a
109 municipality as determined by the department of revenue pursuant to sections 9, 10 and 10C of
110 chapter 58.

111 "Excess effort", the positive difference, if any, between a municipality's target local
112 contribution and its preliminary contribution.

113 "Foundation aid increment", the positive difference between a district's foundation budget
114 and its required district contribution; provided, however, that from fiscal years 2019 to 2025,
115 inclusive, both the district foundation budget and the required district contribution shall be

116 calculated based on the implementation schedule agreed to pursuant to section 5B ½ of chapter
117 29.

118 "Foundation budget", the sum of the administration allotment, instructional leadership
119 allotment, classroom and specialist teachers allotment, other teaching services allotment,
120 professional development allotment, instructional materials, equipment and technology
121 allotment, guidance and psychological allotment, pupil services allotment, operations and
122 maintenance allotment, employee benefits and fixed charges allotment and tuitioned-out special
123 education tuition allotment and the English language learners expanded program increment and
124 the low-income expanded program increment; provided, however, that the base year for
125 calculating the foundation budget shall be fiscal year 2017; provided further, that the base year
126 foundation budget shall be calculated according to the formulas in this section using foundation
127 enrollment as described in this section; and provided further that, for fiscal years thereafter, the
128 foundation budget shall be the base year foundation budget, as adjusted for enrollment and for
129 inflation as set forth in section 3.

130 "Foundation enrollment", the student enrollment of a district in any fiscal year; provided,
131 however, that the "foundation enrollment" shall be the sum of the foundation elementary, junior
132 high or middle school, high school and vocational enrollment plus 1/2 of the sum of the
133 foundation preschool and kindergarten enrollment, including students enrolled in the program for
134 the elimination of racial imbalance under section 12A of chapter 76; and provided further, that
135 annually, not later than March 1 of each calendar year, the department shall certify the
136 foundation enrollment for the next fiscal year as the actual enrollment as reported the previous
137 October.

138 "Foundation inflation index", in fiscal year 2017, the foundation inflation index shall
139 equal 1.000; provided, however, that in fiscal year 2018 and in each fiscal year thereafter, the
140 foundation inflation index shall equal the prior year's foundation inflation index multiplied by the
141 minimum of: (i) the ratio of the value of the implicit price deflator for state and local government
142 purchases in the first quarter of the prior fiscal year to its value in the first quarter of the year 2
143 years prior; or (ii) 1.045.

144 "General revenue sharing aid", the amount of assistance from the commonwealth to be
145 received by a city or town in a fiscal year from the following local aid programs: (i) payments in
146 lieu of taxes for state-owned lands distributed pursuant to section 17 of chapter 58; (ii) the
147 distribution to cities and towns of the balance of the State Lottery and Gaming Fund in
148 accordance with the clause (c) of the second paragraph of section 35 of chapter 10; and (iii)
149 additional assistance distributed pursuant to section 18E of chapter 58.

150 "Guidance and psychological allotment", the amount allotted within a district's
151 foundation budget for guidance and psychological services; provided, however, that the fiscal
152 year 2017 guidance and psychological allotment, based on a sum of the following rate
153 calculations, shall be the base year, adjusted annually by the foundation inflation index:

154 (i) \$109.66 multiplied by the foundation preschool enrollment and the foundation half-
155 day kindergarten enrollment;

156 (ii) \$219.36 multiplied by the foundation full-day kindergarten enrollment and the
157 foundation elementary enrollment;

158 (iii) \$291.99 multiplied by foundation junior high or middle school enrollment; and

159 (iv) \$366.02 multiplied by the foundation high school enrollment and the foundation
160 vocational enrollment.

161 "Income", total income from all sources as reported by the residents of a municipality on
162 income tax returns submitted to the department of revenue for the most recent available calendar
163 year.

164 "Income percentage", the uniform percentage of each municipality's total income which
165 yields 1/2 of the statewide total of combined effort yields in any fiscal year.

166 "Instructional leadership allotment", the amounts allotted within a district's foundation
167 budget for instructional leadership in a fiscal year; provided, however, for fiscal year 2017, the
168 "instructional leadership allotment" shall be the sum of the following rate calculations; provided
169 further, that for subsequent fiscal years, "instructional leadership allotment" shall be the sum of
170 the following rates annually adjusted by the foundation inflation index:

171 (i) \$328.72 multiplied by the foundation preschool enrollment and the foundation half-
172 day kindergarten enrollment; and

173 (ii) \$657.42 multiplied by the foundation full-day kindergarten enrollment, the foundation
174 elementary enrollment, the foundation junior high or middle school enrollment, the foundation
175 high school enrollment and the foundation vocational enrollment.

176 "Instructional materials, equipment and technology allotment", the amount allotted within
177 a district's foundation budget for instructional materials, equipment and technology; provided,
178 however, that the fiscal year 2017 instructional materials, equipment and technology allotment,

179 based on a sum of the following rate calculations, shall be the base year, adjusted annually by the
180 foundation inflation index:

181 (i) \$ 218.16 multiplied by the foundation preschool enrollment and the foundation half-
182 day kindergarten enrollment;

183 (ii) \$436.31 multiplied by the foundation full-day kindergarten enrollment, the foundation
184 elementary enrollment and the foundation junior high or middle school enrollment;

185 (iii) \$698.10 multiplied by the foundation high school enrollment;

186 (iv) \$349.05 multiplied by the assumed in-school special education enrollment; and

187 (v) \$1,221.66 multiplied by the foundation vocational enrollment.

188 "Low-income enrollment", the number of children attending school in a district regardless
189 of residence or tuition-paying status, with a family income at or below 185 per cent of the federal
190 poverty level; provided, however, that a low-income child or low-income student shall mean a
191 child who meets these eligibility standards; and provided further, that in determining the total
192 number of low-income students, the department shall use the preceding year's actual number of
193 low-income elementary, junior high or middle school, high school and vocational students and $\frac{1}{2}$
194 of the preceding year's actual number of low-income kindergarten and preschool students.

195 "Low-income expanded program increment", the amount allotted within a district's
196 foundation budget for each student with a family income at or below 185 per cent of the federal
197 poverty level; provided, however, that the department shall rank each district and divide the
198 districts into septiles; provided further, that each district shall be assigned a low-income septile
199 based on its low income percentage which shall be calculated as its number of low-income

200 students divided by the total foundation enrollment; provided further, that each septile shall be
201 assigned a low-income rate where the rate for the lowest percentage septile shall be \$3,474 and
202 each subsequent septile shall increase by equal amounts up to the highest percentage septile rate
203 of \$8,179; and provided further, that beginning in fiscal year 2019, the rates for each septile shall
204 be annually adjusted according to the foundation inflation index.

205 "Minimum aid", the positive difference between a district's foundation aid, and the
206 product of \$25 multiplied by the district foundation enrollment.

207 "Maximum local contribution", 82.5 per cent of a municipality's foundation budget.

208 "Municipal foundation budget", a city or town's local district's foundation budget plus the
209 sum of its share of the foundation budgets at regional districts or at agricultural schools of which
210 it is a member; provided, however, that a city or town's share of the foundation budget at
211 regional districts or at agricultural schools shall be based upon its share of the total foundation
212 enrollment from all member municipalities at those districts and schools.

213 "Municipal revenue growth factor", the change in local general revenues calculated by
214 subtracting 1 from the quotient calculated by dividing the sum of: (i) the maximum levy for the
215 fiscal year estimated by multiplying the levy limit of the prior fiscal year by a factor equal to 102
216 ½ per cent plus the average of the percentage increases in the levy limit due to new growth
217 adjustments over the last 3 available years as certified by the department of revenue or as
218 otherwise estimated by the division of local services in the department of revenue where it
219 appears that a municipality may not be entitled to increase its minimum levy limit by 2 ½ per
220 cent; provided, however, that if the highest percentage during such 3 years exceeds the average
221 of the other 2 years' percentages by more than 2 percentage points, then the lowest 3 of the last 4

222 years shall be used for such calculation; (ii) the amount of general revenue sharing aid for the
223 fiscal year; and (iii) other budgeted recurring receipts not including user fees or other charges
224 determined by the division of local services to be associated with the provision of specific
225 municipal services for the prior fiscal year, by the sum of: (1) the actual levy limit for the prior
226 fiscal year; (2) the amount of general revenue sharing aid received for the prior fiscal year; and
227 (3) other recurring receipts not including user fees or other charges determined by the division of
228 local services to be associated with the provision of specific municipal services budgeted by the
229 municipality for the fiscal year preceding the prior fiscal year, if any; provided further, that for
230 the purposes of this calculation, the levy limit shall exclude any amounts generated by overrides
231 applicable to any year after the fiscal year ending June 30 1993; provided, further, that in the
232 absence of an actual levy limit for the prior fiscal year, the actual levy limit for the prior fiscal
233 year shall be estimated by multiplying the actual levy limit of the fiscal year preceding the prior
234 fiscal year by a factor equal to 102 ½ per cent plus the average of the percentage increases in the
235 levy limit due to new growth as specified above; and provided further, that in making any of the
236 calculations required by this definition, the division of local services may substitute more current
237 information or such other information as would produce a more accurate estimate of the change
238 in a municipality's general local revenues and the department shall use such growth factor to
239 calculate preliminary contribution, required local contribution and any other factors that directly
240 or indirectly use the municipal growth factor.

241 "Net school spending", the total amount spent for the support of public education,
242 including teacher salary deferrals and tuition payments for children residing in the district who
243 attend a school in another district or other approved facility, determined without regard to
244 whether such amounts are regularly charged to school or nonschool accounts by the municipality

245 for accounting purposes; provided, however, that net school spending shall not include any
246 spending for long-term debt service, and shall not include spending for school lunches and
247 student transportation; provided further that “net school spending” shall also not include tuition
248 revenue or revenue from activity, admission, other charges or any other revenue attributable to
249 public education; provided further, that such revenue shall be made available to the school
250 district which generated the revenue in addition to any financial resources made available by
251 municipalities or state assistance; provided further, that the department, in consultation with the
252 department of revenue, shall promulgate regulations to ensure a uniform method of determining
253 which municipal expenditures are appropriated for the support of public education and which
254 revenues are attributable to public education in accordance with this section; and provided
255 further, that the regulations shall include provisions for resolving disputes which may arise
256 between municipal and school officials.

257 "Operations and maintenance allotment", the amount allotted within a district's
258 foundation budget for operations and maintenance; provided, however, that the fiscal year 2017
259 operations and maintenance allotment, based on a sum of the following rate calculations, shall be
260 the base year, adjusted annually by the foundation inflation index:

261 (i) \$418.55 multiplied by the foundation preschool enrollment and the foundation half-
262 day kindergarten enrollment;

263 (ii) \$837.09 multiplied by the foundation full-day kindergarten enrollment and the
264 foundation elementary enrollment;

265 (iii) \$907.52 multiplied by foundation junior high or middle school enrollment;

266 (iv) \$879.93 multiplied by the foundation high school enrollment;

267 (v) \$2,806.32 multiplied by the assumed in-school special education enrollment; and

268 (vi) \$1,646.82 multiplied by the foundation vocational enrollment.

269 “Other teaching services allotment”, the amount allotted within a district's foundation
270 budget for other teaching services; provided, however, that the fiscal year 2017 other teaching
271 services allotment, based on a sum of the following rate calculations, shall be the base year,
272 adjusted annually by the foundation inflation index:

273 (i) \$386.57 multiplied by the foundation preschool enrollment and the foundation half-
274 day kindergarten enrollment;

275 (ii) \$773.16 multiplied by the foundation full-day kindergarten enrollment and the
276 foundation elementary enrollment;

277 (iii) \$556.55 multiplied by the foundation junior high or middle school enrollment;

278 (iv) \$463.34 multiplied by the foundation high school enrollment and the foundation
279 vocational enrollment;

280 (v) \$7,740.10 multiplied by the assumed in-school special education enrollment; and

281 (vi) \$38.38 multiplied by the assumed tuitioned-out special education enrollment.

282 “Preliminary contribution”, the product of: (i) a municipality's required local contribution
283 for the prior fiscal year; and (ii) 1 plus the municipal revenue growth factor for the current year;
284 provided, however, that if a municipality's preliminary local contribution as a percentage of its
285 foundation budget is more than 2.5 percentage points lower than the target local share, the
286 preliminary contribution shall be recalculated using the municipality's revenue growth factor plus

287 1 percentage point; and provided further, that if a municipality's preliminary contribution as a
288 percentage of its foundation budget is more than 7.5 percentage points lower than the target local
289 share, the preliminary contribution shall be recalculated using the municipality's revenue growth
290 factor plus 2 percentage points.

291 "Professional development allotment", the amount allotted within a district's foundation
292 budget for professional development; provided, however, that the fiscal year 2017 professional
293 development allotment, based on a sum of the following rate calculations, shall be the base year,
294 adjusted annually by the foundation inflation index:

295 (i) \$59.61 multiplied by the foundation preschool enrollment and the foundation half-day
296 kindergarten enrollment;

297 (ii) \$119.28 multiplied by the foundation full-day kindergarten enrollment;

298 (iii) \$119.30 multiplied by the foundation elementary enrollment;

299 (iv) \$129.32 multiplied by the foundation junior high or middle school enrollment;

300 (v) \$125.39 multiplied by the foundation high school enrollment;

301 (vi) \$399.90 multiplied by the assumed in-school special education enrollment; and

302 (vii) \$207.31 multiplied by the foundation vocational enrollment.

303 "Property percentage", the uniform percentage of each municipality's total equalized
304 property valuation which yields $\frac{1}{2}$ of the statewide total of combined effort yields in any fiscal
305 year.

306 "Pupil services allotment", the amount allotted within a district's foundation budget for
307 pupil services; provided, however, that the fiscal year 2017 pupil services allotment, based on a
308 sum of the following rate calculations, shall be the base year, adjusted annually by the
309 foundation inflation index:

310 (i) \$43.62 multiplied by the foundation preschool enrollment and the foundation half-day
311 kindergarten enrollment;

312 (ii) \$87.27 multiplied by the foundation full-day kindergarten enrollment;

313 (iii) \$130.90 multiplied by the foundation elementary enrollment and the foundation
314 English learner, full-day enrollment;

315 (iv) \$213.81 multiplied by foundation junior high or middle school enrollment; and

316 (v) \$493.03 multiplied by the foundation high school enrollment and the foundation
317 vocational enrollment.

318 "Required district contribution", a local district's share of the municipality's required local
319 contribution or, in a regional district or agricultural school, the sum of the member
320 municipalities' required local contributions apportioned to that regional district or agricultural
321 school.

322 "Required local contribution", the municipality's preliminary contribution minus the
323 product of its excess effort, if any, multiplied by the effort reduction percentage; provided,
324 however, that the "required local contribution" shall be apportioned to each district to which the
325 municipality belongs, in proportion to the municipality's foundation budget at those districts.

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

328 “Retired employee health insurance rate”, the average group insurance commission
329 premium for all retiree plans for the 3 previous fiscal years; provided, however, that the group
330 insurance commission shall annually, not later than June 30, provide the department with data
331 necessary for the determination of such rate or any increase thereof.

332 "Statewide target local share", the sum of all municipalities' target local contribution, as a
333 percentage of the sum of all municipal foundation budgets, which shall be set at 60 per cent.

334 "Target aid share", for a local district, 100 per cent minus the municipality's target local
335 share; provided, however, that for a regional district or agricultural school, the “target aid share”
336 shall be 100 per cent minus each member municipality's target local share, multiplied by each
337 municipality's share of the regional district's enrollment, summed for all members of the district.

338 "Target local contribution", the lesser of a municipality's combined effort yield and its
339 maximum local contribution.

340 "Target local share", a municipality's target local contribution as a percentage of its
341 municipal foundation budget.

342 “Tuitioned-out special education allotment”, the product of the tuitioned-out special
343 education rate and the assumed tuitioned-out special education enrollment.

344 “Tuitioned-out special education rate”, 3 times the statewide foundation budget per-pupil
345 amount.

346 "Wage adjustment factor", an adjusted difference between the average annual wage for
347 all jobs in the labor market area in which a municipality is located and the average annual wage
348 in the commonwealth; provided, however, that average annual wage figures shall be published
349 annually by the division of employment and training; provided further, that the wage adjustment
350 factor shall be the sum of 1 plus a fraction, the numerator of which shall be the product of 1/3
351 and the difference resulting from subtracting the average annual wage in the commonwealth
352 from the average annual wage of the municipality, and the denominator of which shall be the
353 average annual wage in the commonwealth.

354 For the purposes of this section, the average annual wage of the community shall be the
355 sum of:

356 (i) .8 multiplied by the average annual wage for all jobs in the labor market area in which
357 the municipality is located; plus

358 (ii) .2 multiplied by the average annual wage of the municipality; provided, however, that
359 in any community the wage adjustment factor shall not be less than 1.

360 SECTION 36. The third paragraph of section 3 of said chapter 70, as appearing in the
361 2014 Official Edition, is hereby amended by striking out the last sentence and inserting in place
362 thereof the following sentence:- The factors to be inflated by the foundation inflation index shall
363 be the monetary values for the administration allotment, the instructional leadership allotment,
364 the classroom and specialist teachers allotment, the other teaching services allotment, the
365 professional development allotment, the instructional materials, equipment and technology
366 allotment, the guidance and psychological allotment, the pupil services allotment, the operations

367 and maintenance allotment, the English language learner expanded program increment and the
368 low-income student expanded program increment.

369 SECTION 37. Section 5 of said chapter 70 is hereby repealed.

370 SECTION 38. Section 6 of said chapter 70, as appearing, is hereby amended by striking
371 out, in line 6, the word "minimum".

372 SECTION 39. Said section 6 of said chapter 70, as so appearing, is hereby further
373 amended by striking out, in line 8, the words "but not including equity aid,".

374 SECTION 40. Section 7 of said chapter 70 is hereby repealed.

375 SECTION 40A. Section 9 of said chapter 70 is hereby repealed.

376 SECTION 41. Said chapter 70 is hereby further amended by striking out section 10, as
377 appearing in the 2014 Official Edition, and inserting in place thereof the following section:-

378 Section 10. Subject to appropriation, the amount of state aid to be paid to each
379 municipality in each fiscal year under this chapter shall be the sum of the base aid, the
380 foundation aid increment and the minimum aid to which the municipality may be entitled under
381 this chapter.”; and

382 by inserting after section 49 the following section:-

383 “SECTION 49A. Said section 37H of said chapter 71, as so appearing, is hereby further
384 amended by adding the following paragraph:-

385 Each commonwealth charter school shall establish a panel consisting of 3 members of the
386 board of trustees to hear appeals of disciplinary actions taken by the charter school under

387 sections 37H¹/₂ and 37H³/₄, 1 of whom shall be the representative of the district school committee
388 and 2 others who shall be appointed by the chairperson of the board of trustees. Unless otherwise
389 provided in this section, the panel shall have the same rights and responsibilities as a
390 superintendent in hearing appeals and issuing final decisions. A notice appealing a decision of a
391 charter school principal or headmaster to suspend or expel a student shall be directed to the
392 chairperson of the board of trustees who shall provide the notice to the members of the panel and
393 ensure a timely hearing and final decision. Meetings of the panel shall not be subject to sections
394 18 to 25, inclusive, of chapter 30A.”; and

395 by striking out section 53; and

396 by striking out section 55 and inserting in place thereof the following section:-

397 “SECTION 55. Said section 37H³/₄ of chapter 71, as so appearing, is hereby further
398 amended by adding the following subsection:-

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

401 in section 79, by striking out, in lines 963 and 964, the words “public building” and
402 inserting in place thereof the following words:- “building under contract”; and

403 in section 91, by striking out, in line 1132, the word “reportto” and inserting in place
404 thereof the following words:- “report to”; and

405 in section 98, by inserting after second sentence the following sentence:- “The
406 department of elementary and secondary education shall maintain the data required under clauses

407 (1) to (5), inclusive, and shall provide the data to the department of the state auditor, as
408 requested.”