

# SENATE . . . . . No. 2210

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Senate April 5, 2016 -- Text of redrafted amendment (51) (offered by Senator Tarr) to the Senate Bill enhancing reform, innovation and success in education (Senate, No. 2203)

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## The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
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1           by striking all after the enacting clause in inserting in place thereof the following new  
2 text:

3           SECTION 1 . Chapter 10 of the General Laws as appearing in the 2014 Official Edition  
4 is hereby amended by inserting after section 35CCC the following section:-

5           Section XXX. There shall be established and set upon the books of the commonwealth a  
6 separate fund to be known as the Learning Innovation for Tomorrow (LIFT) fund, whose  
7 purpose shall be to finance the development and implementation of innovation in the public  
8 education of students throughout the commonwealth, without regard or preference to any  
9 particular geographic location or region of the commonwealth.

10          Amounts shall be credited to the fund pursuant to sections 3, 79 and 81 of this act,  
11 provided that the fund may be supplemented through appropriation from the general fund or  
12 other available sources including but not limited to any interest earned on monies in the fund;  
13 any funds from private sources including, but not limited to, gifts, grants and donations received  
14 by the commonwealth that are specifically designated to be credited to the fund, provided further

that expenditure from the fund shall be made pursuant to a specific line item created to distribute funding by the Department of elementary, and secondary education.

Funds may be expended from the fund for the following purposes:

(1) To defray the costs of charter school expansion pursuant to this act.

(2) For grants to support Innovation schools and Horace Mann Charter schools, which shall not require matching funds from other sources.

(3) For grants to support a comprehensive program calculated to ensure that every student in the commonwealth possess the literacy, phonetic and other skills to read at grade level no later than the student's completion of the fourth grade, subject to regulations developed and implemented by the department of elementary and secondary education, in the manner prescribed by section 75 of this act, provided that such regulations shall be reported to the clerks of the house and senate not later than 60 days prior to their implementation

(4) To support the plan to fund the recommendations of the Foundation Budget review commission according to section 4 of this act

In promulgating regulations to administer the fund, the department shall establish and monitor measurable benchmarks for progress and accomplishment, and shall report annually to the clerks of the house and senate, the house and senate committees on ways and means, the joint committee on education, and the secretary of education not later than December 31 of each year on the impacts of fund spending

SECTION 2. Chapter 15 of the general laws as appearing in the 2014 official edition is hereby amended by inserting at the end thereof the following section:-

SECTION XX. Unfunded Education Mandates

If the division of local mandates, established under section 6 of chapter 11, determines that a law, rule or regulation related to education has not been paid in full by the commonwealth using the procedures established by section 27C(d) of chapter 29, then a city, town, or school district may petition the department of elementary and secondary education for a waiver from said law, rule or regulation, or any part thereof. The department shall grant the waiver unless it determines that the absence of the mandate will lower the quality of education provided; provided, however, that the petition shall be deemed granted if the department fails to respond within 90 days of the submission of the petition request.

SECTION 3. Section 64 of chapter 23k of the general laws as appearing in the 2014 official edition is hereby amended by striking out from line 6-12 the following:—"provided, however that 35 per cent of the funds received shall be appropriated for the purposes of higher education to supplement, not offset, any reduction in the general appropriation act from the previous fiscal year; and provided further, that any expenditures from the fund for K-12 education shall be used to supplement, and not offset, any reduction in line item 7061-0008 of the general appropriation act from the previous fiscal year's general appropriation act" and inserting in place thereof the following:—"provided, however, that 40 per cent of the funds received shall be appropriated for the purposes of higher education and provided further, that 60 per cent of the funds received shall be appropriated to the Learning Innovation for Tomorrow fund.

SECTION 4. 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 10 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 10 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 5. Chapter 59 of the General Laws as appearing in the 2014 official edition is hereby amended by inserting at the end thereof the following new section:-

“Section xx. By approval of the local governing authority, any municipality that has received district mitigation funds as established under section 89 of chapter 71 may create an education stabilization fund which said funds may be received, and carried forward to subsequent fiscal years.

SECTION 6. 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 7. 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 8. Said section 1I of said chapter 69, as so appearing, is hereby further amended by inserting after the fourteenth paragraph the following paragraph:-

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

104           SECTION 9. Section 1J of chapter 69 of the General Laws, as appearing in the 2014  
105   Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof  
106   the following 2 subsections:-

107           (a) Prior to October 1, the commissioner of elementary and secondary education may, on  
108   the basis of student performance data collected pursuant to section 1I, a school or district review  
109   performed under section 55A of chapter 15, or regulations adopted by the board of elementary  
110   and secondary education, designate 1 or more schools in a school district other than a Horace  
111   Mann charter school as a challenge, underperforming or chronically underperforming school.  
112   The board shall adopt regulations establishing standards for the commissioner to make such  
113   designations on the basis of data collected pursuant to section 1I or information from a school or  
114   district review performed under section 55A of chapter 15. Upon the release of the proposed  
115   regulations, the board shall file a copy the proposed regulations with the clerks of the house of  
116   representatives and the senate who shall forward the regulations to the joint committee on  
117   education. Within 30 days of the filing, the committee may hold a public hearing and issue a  
118   report on the regulations and file the report with the board. The board, pursuant to applicable  
119   law, may adopt final regulations making revisions to the proposed regulations as it deems  
120   appropriate after consideration of the report and shall immediately file a copy of the regulations  
121   with the chairs of the joint committee on education and, not earlier than 30 days from the filing,  
122   the board shall file the final regulations with the state secretary. Schools that score in the lowest  
123   20 per cent statewide among schools serving common grade levels on a single measure

124 developed by the department that takes into account student performance data and, beginning on  
125 July 1, 2011, improvement in student academic performance, shall be deemed eligible for  
126 designation as a challenge, underperforming or chronically underperforming school, provided  
127 that any school designated as a challenge school shall be drawn from those schools most likely to  
128 be designated as underperforming. Not more than 6 per cent of the total number of public  
129 schools may be designated as a challenge, underperforming or chronically underperforming  
130 school at any given time.

131 In adopting regulations allowing the commissioner to designate a school as a challenge,  
132 underperforming or chronically underperforming school, the board shall ensure that such  
133 regulations take into account multiple indicators of school quality in making such designations,  
134 including, but not limited to: student attendance rates, dismissal rates and exclusion rates,  
135 promotion rates, graduation rates or the lack of demonstrated significant improvement for 2 or  
136 more consecutive years in core academic subjects, either in the aggregate or among subgroups of  
137 students, including designations based on special education, low-income, English language  
138 proficiency and racial or ethnic classifications.

139 Before a school is designated chronically underperforming by the commissioner, a school  
140 shall be designated underperforming and fail to improve.

141 A challenge, underperforming or chronically underperforming school described in the  
142 following subsections shall operate in accordance with laws regulating other public schools,  
143 except as such provisions may conflict with this section or any turnaround plans created  
144 thereunder. A student who is enrolled in a school at the time it is designated as a challenge,

underperforming or chronically underperforming school may remain enrolled in the school while remaining a resident of the district if the student chooses to do so.

(a $\frac{1}{2}$ ) (1) Within 15 days of the commissioner designating a school as a challenge school, under the regulations developed pursuant to this section, the school committee and the local teachers union shall meet to negotiate a waiver agreement, if necessary, which identifies 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 challenge 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 challenge 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) 1 representative of applicable state and local social service, health and child welfare



168 agencies chosen by the superintendent; and (viii) as deemed appropriate by the superintendent, 1  
169 or more representatives of state and local workforce development agencies, chosen by the  
170 superintendent. Meetings of the local stakeholder group shall be open to the public.

171 (2) In creating the turnaround plan, the local stakeholder group shall, to the extent  
172 practicable, base the plan on student outcome data, including, but not limited to: (i) data  
173 collected pursuant to section 1I or information from a school or district review performed under  
174 section 55A of chapter 15; (ii) student achievement on the statewide assessment system approved  
175 by the board under section 1I; (iii) other measures of student achievement, approved by the  
176 commissioner; (iv) student promotion and graduation rates; (v) achievement data for different  
177 subgroups of students, including low-income students as defined in section 2 of chapter 70,  
178 limited English proficient students and students receiving special education; and (vi) student  
179 attendance, dismissal rates and exclusion rates.

180 In creating the turnaround plan, the local stakeholder group shall consider the following:  
181 (i) steps to address the social service and health needs of students at the school and their families,  
182 to help ensure students arrive and remain at school ready to learn; provided, that such services  
183 may include mental health and substance abuse screening; (ii) steps to improve or expand child  
184 welfare services and, as appropriate, law enforcement services in the school community, in order  
185 to promote a safe and secure learning environment; (iii) steps to improve workforce development  
186 services provided to students and their families at the school, to provide students and families  
187 with meaningful employment skills and opportunities; (iv) steps to address achievement gaps for  
188 limited English-proficient, special education and low-income students; and (v) notwithstanding  
189 chapter 71A, alternative English language learning programs for limited English proficient  
190 students. The school committee may retain such programs after the school is no longer

designated a challenge school. The secretary of health and human services, the secretary of labor and workforce development and the secretary of public safety 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 11; (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 twenty-first century skills; (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, commonwealth, 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

260 additional waivers. Such negotiations shall be completed within 15 days and the parties shall not  
261 be eligible for relief under section 9 of chapter 150E. If the school committee and the union fail  
262 to reach an agreement, the process provided in this subsection shall be terminated and the  
263 commissioner may designate the school as underperforming pursuant to subsection (a).

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

281 (6) Each school designated by the commissioner as a challenge school pursuant to this  
282 subsection shall be reviewed by the superintendent, in consultation with the principal of the

283 school, not less frequently than annually. The purpose of the review shall be to determine  
284 whether the school has met the annual goals in its turnaround plan and to assess the overall  
285 implementation of the plan. The review shall be in writing, shall be submitted to the relevant  
286 school committee, not later than July 1 for the preceding school year, and shall be available to  
287 the public on the school district's website.

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

297 (7) Not more than 2 years after the designation of a school as a challenge school, the  
298 commissioner shall determine whether the school has improved sufficiently, requires further  
299 improvement or has failed to improve. The commissioner may determine that: (i) the school has  
300 improved sufficiently for the designation of the school as a challenge school to be removed; (ii)  
301 the school has improved, but has not improved sufficiently for the designation of the school as a  
302 challenge school to be removed, in which case the superintendent may, with the approval of the  
303 commissioner, reconvene the local stakeholder group to renew the plan or creating a new or  
304 modified plan for an additional period of not more than 2 years, consistent with the requirements

305 of paragraphs (1) to (5), inclusive; or (iii) consistent with the requirements of subsection (a), the  
306 school is underperforming.

307 SECTION 10. Said section 1J of said chapter 69, as so appearing, is hereby further  
308 amended by inserting after the word “System”, in lines 101, 144, 451 and 492, in each instance,  
309 the following words:- , or any successor statewide assessment system approved by the board  
310 pursuant to section 11.

311 SECTION 11. Said section 1J of said chapter 69, as so appearing, is hereby further  
312 amended by inserting after the words “chapter 71A”, in line 123, the following words: - ;  
313 provided that the school committee may retain said programs after the school is no longer  
314 designated as underperforming.

315 SECTION 12. Said section 1J of said chapter 69, as so appearing, is hereby further  
316 amended by inserting after the word “government”, in lines 125 and 475, in each instance, the  
317 following words:-, private foundations.

318 SECTION 13. Said section 1J of said chapter 69, as so appearing, is hereby further  
319 amended by striking out, in line 217, the words “or chronically underperforming”.

320 SECTION 14. Said section 1J of said chapter 69, as so appearing, is hereby further  
321 amended by inserting after the word “issues”, in line 290, the following word:- to.

322 SECTION 15. Subsection (l) of said section 1J of said chapter 69, as so appearing, is  
323 hereby amended by adding the following sentence: - Until the commissioner makes the  
324 determination required under this section and any new or amended turnaround plan is approved,  
325 the terms of the expired turnaround plan shall remain in effect.

326           SECTION 16. Said section 1J of said chapter 69, as so appearing, is hereby further  
327 amended by inserting after the words “chapter 71A”, in line 473, the following words: - ;  
328 provided that the school committee may retain said programs after the school is no longer  
329 designated as chronically underperforming.

330           SECTION 17. Said section 1J of said chapter 69, as so appearing, is hereby further  
331 amended by inserting after the word “superintendent”, in line 536, the following words:- or, if 1  
332 has been appointed pursuant to subsection (r), the school’s receiver.

333           SECTION 18. Said section 1J of said chapter 69, as so appearing, is hereby further  
334 amended by striking out, in line 555, the word “commissioner” and inserting in place thereof the  
335 following words:- superintendent or, if 1 has been appointed pursuant to subsection (r), the  
336 school’s receiver.

337           SECTION 19. Said section 1J of said chapter 69, as so appearing, is hereby further  
338 amended by striking out, in line 559, the figure “(7)” and inserting in place thereof the following  
339 figure:- (8).

340           SECTION 20. Said section 1J of said chapter 69, as so appearing, is hereby further  
341 amended by striking out, in line 568, the words “underperforming or”.

342           SECTION 21. Said section 1J of said chapter 69, as so appearing, is hereby further  
343 amended by striking out, in line 571, the words “commissioner or” and inserting in place thereof  
344 the following words:- or receiver.

345           SECTION 22. Subsection (s) of said section 1J of said chapter 69, as so appearing, is  
346 hereby amended by adding the following 4 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. A receiver for a chronically underperforming school shall not be required by contract to indemnify and hold harmless the commonwealth against any and all claims, liabilities and costs which arise out of the receiver's performance of the receiver's role creating or implementing the turnaround plan. In connection with the receiver's role in creating or implementing the turnaround plan, the receiver may (1) sue and be sued, but only to the same extent and upon the same conditions that a municipality may be sued; (2) receive and disburse funds for the chronically underperforming school; and (3) solicit and accept grants or gifts for the chronically underperforming school.

SECTION 23. Subsection (y) of said section 1J of said chapter 69, as so appearing, is hereby amended by striking out, in lines 751 and 752, the word "an" and inserting in place thereof, in each instance, the following words:- a challenge,.

SECTION 24. Said subsection (y) of 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 25. Said section 1J of said chapter 69, as so appearing, is hereby further amended by inserting after the word “as”, in line 769, the word:- challenge,.

SECTION 26. The second paragraph of subsection (a) of section 1K of said chapter 69, as so appearing, is hereby amended by adding the following 3 sentences: - 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. A receiver for a chronically underperforming district shall not be required by contract to indemnify and hold harmless the commonwealth against any and all claims, liabilities and costs which arise out of the receiver’s performance or role in creating or implementing the turnaround plan. In connection with the receiver’s role in creating or implementing the turnaround plan, the receiver may: (1) sue and be sued but only to the same extent and upon the same conditions that a municipality can be sued; (2) receive and disburse funds for the chronically underperforming district; and (3) solicit and accept grants or gifts for the district.

SECTION 27. 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 28. 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 29. Said section 1K of said chapter 69, as so appearing, is hereby further amended by inserting after the words “chapter 71A”, in line 121, the following words:- ;

389 provided that the school committee may retain said programs after the school is no longer  
390 designated as chronically underperforming.

391 SECTION 30. Said section 1K of said chapter 69, as so appearing, is hereby further  
392 amended by striking out, in line 129, the word “an” and inserting in place thereof the following  
393 word:- a.

394 SECTION 31. Said section 1K of said chapter 69, as so appearing, is hereby further  
395 amended by striking out, in line 181, the words “reapplications. turnaround plan” and inserting in  
396 place thereof the following word:- reapplications.

397 SECTION 32. Said section 1K of said chapter 69, as so appearing, is hereby further  
398 amended by striking out, in lines 204 and 240, the word “commissioner” and inserting in place  
399 thereof, in each instance, the following word:- receiver.

400 SECTION 33. Said section 1K of said chapter 69, as so appearing, is hereby further  
401 amended by striking out, in line 217, the words “commissioner/superintendent” and inserting in  
402 place thereof the following word:- receiver.

403 SECTION 34. Said section 1K of said chapter 69, as so appearing, is hereby further  
404 amended by striking out, in line 239, the word “if” and inserting in place thereof the following  
405 word:- If.

406 SECTION 35. Said section 1K of said chapter 69, as so appearing, is hereby further  
407 amended by striking out, in lines 293 and 303, the words “(g)” and inserting in place thereof, in  
408 each instance, the following words:- (h).

SECTION 36. Said section 1K of said chapter 69, as so appearing, is hereby further amended by striking out, in line 355, the words “ (h)” and inserting in place thereof the following words:- (i)

SECTION 37. Chapter 70 of the General Laws is hereby amended by striking out section 4, as appearing in the 2014 Official Edition, and inserting in place thereof the following section:-

Section 4. There shall be a foundation budget review commission to review the way in which foundation budgets are calculated and to make recommendations to the general court regarding changes that may be appropriate. In conducting this review, the commission shall seek to determine the educational programs and services necessary to achieve the commonwealth's educational goals, including those necessary to fully implement state curriculum standards and to prepare students to achieve passing scores on the Massachusetts Comprehensive Assessment System examinations or any successor statewide assessment system approved by the board pursuant to section 1I . The review shall include, but not be limited to: class size; special education programs, including programs for English language learners; preschool programs for all 3 and 4 year-olds and full-day kindergarten; additional resources necessary to assure educational opportunity for low-income students; salaries necessary to attract and retain high quality professionals; health care costs; extracurricular programs; remedial programs for students at risk of failing to satisfy graduation requirements; books and other curriculum materials; equipment for science lab programs; and technology. In addition, the commission shall seek to determine how resources can be used in the most effective manner, fairly and equitably as between similar school districts, and substantially with regard to required local contributions to school spending. In carrying out the review, the commission shall examine relevant data and any reports on education funding produced within the 10 years preceding the issuance of a

commission report. The commission shall include the house and senate chairs of the joint committee on education, who shall serve as co-chairs, the secretary of education, the commissioner of elementary and secondary education, the commissioner of early education and care, the speaker of the house of representatives or a designee, the president of the senate or a designee, the minority leader of the house of representatives or a designee, the minority leader of the senate or a designee, the governor or a designee, the chair of the house committee on ways and means or a designee, the chair of the senate committee on ways and means or a designee, a parent representative of parent-school organizations from four distinct regions of the Commonwealth, and 1 member to be appointed by each of the following organizations: the Massachusetts Municipal Association, the Massachusetts Business Alliance for Education, the Massachusetts Business Roundtable, the Massachusetts Association of School Committees, the Massachusetts Association of School Superintendents, the Massachusetts Teachers Association, the American Federation of Teachers Massachusetts, the Massachusetts Budget and Policy Center, the Massachusetts Parent Teacher Association, Stand for Children, Strategies for Children, the Massachusetts Association of Vocational Administrators, and the Massachusetts Association of Regional Schools. Members shall receive no compensation for their services but may receive reimbursement for the reasonable expenses incurred in carrying out their responsibilities as members of the commission. The department shall furnish reasonable staff and other support for the work of the commission.

Before issuing its recommendations, the commission shall conduct at least 4 hearings to receive testimony from members of the public. The hearings shall be held in locations that provide opportunities for residents from all geographic regions of the commonwealth to testify.

It shall not constitute a violation of chapter 268A for a person employed by a school district to serve on the commission or to participate in commission deliberations that may have a financial effect on the district employing that person or on the rate at which that person may be compensated. The commission may establish procedures to ensure that no such person participates in commission deliberations that may directly affect the school districts employing those persons or that may directly affect the rate at which those persons are compensated.

The commission shall convene not later than 1 year following the passage of this act, and not less frequently than every 3 years thereafter. The commission's recommendations, together with any proposed legislation, shall be filed with the clerks of the senate and house of representatives who shall refer those recommendations to the clerks of the house and senate and the joint committee on education. Within 30 days after that filing, the committee shall hold a public hearing on the recommendations.

SECTION 38. 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 39. 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 40. Said section 37H ½ 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 41. Section 37H<sup>3</sup>/<sub>4</sub> 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 42. Section 37H<sup>3</sup>/<sub>4</sub> 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 43. 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 44. 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 school has made a rigorous effort to avoid out of school suspensions for all students.

SECTION 45. 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 46. 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 47. 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 48. 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 4 paragraphs:-

Before filing an application for the establishment of a new commonwealth charter school, the applicant shall: (i) surveying the school district to identify any unmet need, (ii) 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, instruction in the district, (iii) develop specific plan for meeting unmet need (iv) 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, (iv) hold not less than 1 public hearing with the local community (v) provided, however, that such applicant may submit with its application a memorandum of understanding

566 memorializing an agreement between the applicant and the school district from which it intends  
567 to enroll students to engage in a coordinated effort to address a particular, identified need or  
568 needs, or deficiencies in the district. Said memorandum of understanding shall be considered as  
569 approval of the application by the district written explanation on why a memorandum of  
570 understanding can't be reached. Applicants that fail to meet with the school district  
571 superintendent and hold a public hearing shall be disqualified from further consideration, unless  
572 district superintendent refuses to meet with applicant.

573         An application submitted for the establishment of a commonwealth charter school shall:  
574 (i) be submitted to the board for approval under this section; and (ii) be filed with the local  
575 school committee for each school district from which the charter school is expected to enroll  
576 students. Before final approval to establish a commonwealth charter school, the board shall hold  
577 a public hearing on the application in the school district in which the proposed charter school is  
578 to be located and solicit and review comments on the application from the local school  
579 committee of each school district from which the charter school is expected to enroll students  
580 and any contiguous districts. At least 1 member of the board shall attend the public hearing. The  
581 district superintendent may submit an analysis to the department that describes how approval of  
582 the proposed charter school may affect the district's students. A comprehensive written  
583 summary of all materials prepared by the department or its administrative subdivisions, which  
584 evaluates or recommends approval or disapproval of a charter school application shall be  
585 delivered to (i) the members of the board, (ii) the charter school applicant; (iii) the chairperson of  
586 any sending district school committee; (iv) the superintendent of any proposed sending district;  
587 and (v) the chief executive officer of any municipality in a proposed sending district. Materials  
588 prepared by the department in support of or in opposition to a charter school's application shall

589 be provided not later than 3 days before any board vote on the charter application. In making a  
590 recommendation to the board on an application, the commissioner shall explain in writing to the  
591 board that the commissioner's decision is responsive to the district superintendent's submission  
592 and provide an assessment of the accuracy of the analysis of the impact on the programs and  
593 services of the sending school district or districts required under clause (xix) of subsection (e).  
594 The board shall substantially consider materials submitted to the department or the board by the  
595 superintendent or school committee of each school district from which the charter school is  
596 expected to enroll students.

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

SECTION 49. Subsection (h) of said section 89 of said chapter 71, as so appearing, is hereby amended by inserting after subsection (h) the following:-

(h ½) A district school committee seeking the denial of a Commonwealth Charter School application may seek such denial by offering an Alternative School Innovation Plan, which shall include by not be limited to the following elements:

(1) A comprehensive survey and assessment of presently deficient or unmet student learning needs in the grade levels and/or student cohort which the proposed Commonwealth Charter School is seeking to enroll

(2) A plan to address the unmet needs or deficiencies identified by the comprehensive survey assessment, which shall include estimates of any and all costs, human resources, and facilities necessary to implement the plan

(3) A request for the expedited consideration by the board of elementary and secondary education of an application for the creation of an Innovation or Horace Mann charter school, if such a school must be created to achieve the plan

(4) A certified vote of not less than 2/3 of the school committee approving the plan and opposing the approval of the proposed Commonwealth Charter School

(5) A request, if necessary for grant fund from the Learning Innovation for Tomorrow fund established in this act for the implementation of the plan

(6) A memorandum of understanding, if one is developed, between the school committee and the charter school applicant specifying a plan for partnership to address deficient or unmet needs identified in item (1) above.

When considering any application for a commonwealth charter school not in the lowest 10% of school districts which is the subject of an alternative school innovation plan, the board shall make written findings as to the ability of the plan to meet unmet student needs and/or address identified deficiencies. The board shall not approve any commonwealth charter school unless it is accompanied by the memorandum of understanding prescribed above, or it certifies in writing that the granting of such charter is the best means to address unmet needs or deficiencies in the district from which the proposed charter school intends to enroll students.

SECTION 50. 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 sentences:- 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, also prove that the unmet need of the district can be met by granting a charter, and document in writing achievement benchmarks for replicable items.

SECTION 51. 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 52. 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 53. 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 54. 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 I and II charter schools and innovation schools, as defined in section 92 shall not be counted towards a school district’s net school spending cap.

SECTION 55. 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 56. 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 57. 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 58. 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

744 student may make a written request to the school district that the student's name not be included  
745 in the enrollment lottery.

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

761 Notwithstanding subsection (n), charter schools qualifying under clause (i) of paragraph  
762 (5) of subsection (i) shall have a rolling enrollment policy in which the school shall fill vacant  
763 seats throughout the school year for all grade levels offered by the school. Those charter schools  
764 shall also adhere to the same quality measures, at a minimum, used by the district to the extent  
765 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 59. 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

788 students who qualify for the free or reduced price lunch program, or a successor measure as  
789 determined by the department, shall be equal to or greater than the district's overall percentage of  
790 students who qualify for the program.

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

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

808 In addition to providing the information pursuant to subsection (e), any charter school  
809 that offers geographical enrollment preferences shall include in its application for approval: (i) a

810 definition of the geographical area for which it shall offer an enrollment preference; (ii) an  
811 explanation of how this preference shall support the mission of the charter school and the  
812 academic performance of its students; (iii) evidence that within this geographical area or walk  
813 zone there resides an equal or higher percentage of low-income students, as measured by  
814 qualification for the free or reduced price lunch program, or a successor measure as approved by  
815 the department, as compared to the district as a whole; and (iv) an explanation of how the charter  
816 school shall target its recruitment and retention efforts for students within this geographical area.  
817 When a charter school that chooses to offer a geographical preference seeks charter renewal and  
818 intends to continue applying the geographical preference, the board shall consider whether the  
819 preference area continues to support the mission of the charter school and the academic  
820 performance of its students, and whether the preference area continues to serve an adequate  
821 percentage of low-income students to qualify as a geographical preference area under this  
822 subsection.

823         If a commonwealth charter school offers geographical enrollment preferences, students  
824 who reside within the geographical preference area shall have priority for enrollment in any open  
825 seats over students who reside in the city or town in which the charter school is located but  
826 outside of the geographical preference area. If a Horace Mann charter schools offers  
827 geographical enrollment preferences, priority for enrollment shall be given in the following  
828 order: (i) to students actually enrolled in the school on the date the application is filed with the  
829 board and their siblings; (2) to students who reside within the geographical preference area and  
830 are enrolled in the public schools of the district where the Horace Mann charter school is to be  
831 located; (3) to other students who reside within the geographical preference area; (4)to other  
832 students enrolled in the public schools of the district where the Horace Mann charter school is to

833 be located but who reside outside of the geographical preference area; and (5) to other students  
834 who reside outside of the geographical preference area but within the city or town in which the  
835 charter school is located.

836 SECTION 60. Said subsection (n) of said section 89 of said chapter 71, as so appearing,  
837 is hereby further amended by striking out the fifth and sixth paragraphs and inserting in place  
838 thereof the following 2 paragraphs:-

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

846 On a monthly basis , a charter school shall provide to the department: (i) the number of  
847 students placed on a waitlist, broken down by grade level; (ii) the number of students who  
848 enrolled in an open seat in the charter school and are no longer on the waitlist, broken down by  
849 grade level; (iii) the number of students who requested to be removed from the waitlist, broken  
850 down by grade level; and (iv) other information the department deems necessary, including but  
851 not limited to student names, home addresses, telephone numbers and grade levels. The  
852 department shall maintain a consolidated waitlist for each municipality in order to determine the  
853 number of individual students in each municipality currently placed on a charter school waitlist.  
854 The consolidated waitlist for each municipality shall be in effect until the expiration of the

855 waitlist on July 1. The department shall maintain separate consolidated waitlists for each  
856 municipality broken down by commonwealth charter schools and Horace Mann charter schools  
857 for each municipality, 1 for commonwealth charter schools and 1 for Horace Mann charter  
858 schools. The department shall make the consolidated waitlists for each municipality, without any  
859 identifying student information, available on its website and update the consolidated waitlists not  
860 less than monthly.

861 SECTION 61. Subsection (p) of said section 89 of said chapter 71, as so appearing, is  
862 hereby further amended by striking out, in lines 444 to 445, the words “and 37H<sup>1</sup>/<sub>2</sub>” and inserting  
863 in place thereof the following words:- , 37H<sup>1</sup>/<sub>2</sub> and 37H<sup>3</sup>/<sub>4</sub>. School policies pertaining to the  
864 conduct of students and consequences for violations of said policies, including, but not limited  
865 to, the criteria for expulsion, shall be made publicly available on the charter school’s website.

866 SECTION 62. Subsection (u) of said section 89 of said chapter 71, as so appearing, is  
867 hereby amended by striking out, in line 492, the words “chapter 268A” and inserting in place  
868 thereof the following words:- chapters 30A, 66 and 268A.

869 SECTION 63. The first paragraph of said subsection (u) of said section 89 of said  
870 chapter 71, as so appearing, is hereby amended by inserting after the first sentence, the following  
871 sentence:- No member of a board of trustees of a charter school or a member’s immediate  
872 family, as defined by section 1 of chapter 268A, shall be (i) employed by or have a financial  
873 interest in a non-profit business or corporate entity authorized to operate a charter school; or (ii)  
874 employed by or receive compensation from the department, board or other agency responsible  
875 for the authorization or regulation of charter schools; provided, however, that a teacher



876 designated under subsection (c) to serve on the board of trustees shall be compensated consistent  
877 with the terms of the teacher's employment.

878 SECTION 64. Said subsection (u) of said section 89 of said chapter 71, as so appearing,  
879 is hereby further amended by adding the following paragraph:-

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

884 SECTION 65. Said section 89 of said chapter 71, as so appearing, is hereby amended by  
885 striking out subsection (cc) and inserting in place thereof the following subsection:-

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

894 (2) If a charter school provides transportation for its students through an  
895 independent transportation vendor that does not qualify for reimbursement under paragraph (1),  
896 the school district shall not be responsible for any transportation costs incurred by the charter  
897 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) If a school district unreasonably limits the transportation provided to charter school students, the charter school may appeal the district's limitations to the board of elementary and secondary education. The board shall schedule a hearing within 30 days upon receipt of an appeal. The board shall make a determination within 10 days of the hearing, and the board decision shall be in writing.

(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

920 schools operating during fiscal year 1999 and thereafter, shall not receive funds for  
921 transportation above the amount actually required by such charter school for the provision of  
922 transportation services to eligible students. If the sending district provides an alternative method  
923 of transportation for students enrolled in the sending district's public schools, it shall not be  
924 assessed for transportation costs which exceed the per pupil cost of said alternative. Costs for  
925 transportation shall be included only if transportation is provided for students in the same  
926 program and grade level as those in the charter school. Students who do not reside in the district  
927 in which the charter school is located shall be eligible for transportation in accordance with  
928 section 12B of chapter 76. A regional charter school as designated by the board, and whose  
929 charter provides for transportation of all students from charter municipalities shall also be  
930 reimbursed by the commonwealth under section 16C of chapter 71 for transportation provided to  
931 pupils residing outside the municipality where the charter school is located, but no  
932 reimbursement for transportation between the charter school and home shall be made on account  
933 of any pupil who resides less than 1.5 miles from the charter school, measured by a commonly  
934 traveled route. If a charter school provides its own transportation, the school shall coordinate and  
935 collaborate with the sending district to provide cost effective means of transportation. All such  
936 transportation shall be determined in advance of the approval of the district's final budget for a  
937 fiscal year; provided, however, that a commonwealth charter school shall be required to  
938 determine such transportation in the first year of its operation as soon as practicable.

939         SECTION 66. Said section 89 of said chapter 71, as so appearing, is hereby further  
940 amended by inserting after the word "students," in line 641, the following words:- ; provided,  
941 however, that a commonwealth charter school shall not be renewed if: (i) the average 3 year  
942 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 charter school has made a rigorous effort to retain all students.

SECTION 67. 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; (iii) the prevalence of the use of out of school suspensions by the charter school; (iii) the prevalence of the use of out of school suspensions by the charter school; and (iv) demonstrating that the charter school is adequately meeting needs of all students, including but not limited to: special education and english language learners

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

965 overall rate of out of school suspensions in the same grades served by the charter school;  
966 provided; provided further that if the charter school's average 3 year overall rate is higher than  
967 the sending district's, the board may grant a 2 year probationary period, during which time the  
968 department shall oversee and provide technical assistance to the charter school in lowering its out  
969 of school suspension rate; provided further that if the average 2 year rate of out of school  
970 suspension rate during said probationary period is greater than the sending district, the board  
971 shall not renew the charter; or (ii) the average 3 year rate of out of school suspensions within any  
972 particular subgroup identified by the board including, but not limited to, race, ethnicity, gender,  
973 special education status, and English language learner status, is greater than the sending district's  
974 average 3 year rate of out of school suspensions within that subgroup; provided further that the  
975 board may grant a charter school a waiver relative to a particular subgroup if it certifies that the  
976 school has made a rigorous effort to avoid out of school suspensions for all students and  
977 subgroups. This paragraph shall not apply to alternative education charters as defined under  
978 subsection (iii) of paragraph (5) of subsection (i).

979 SECTION 68. Said section 89 of said chapter 71 , as so appearing, is hereby amended  
980 by striking out subsection (gg) and inserting in place thereof the following 2 subsections:-

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

SECTION 69. 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

1011 those uses already noted in the capital plan; and (viii) tax credits received during the previous  
1012 fiscal year. The information included in a charter school's net asset balance as required by the  
1013 department shall be publicly available on the charter school's website.

1014 SECTION 70. Subsection (kk) of said section 89 of said chapter 71, as so appearing, is  
1015 hereby amended by striking out the last sentence and inserting in place thereof the following 2  
1016 sentences:- Pursuant to the regulations promulgated by the board, the commissioner shall,  
1017 pursuant to regulations promulgated by the board, collect attrition and stability data, including,  
1018 but not limited to, the number of students leaving each charter school and the reasons for leaving.  
1019 Data shall include attrition and stability outcomes within demographic subgroups including, but  
1020 not limited to, race, ethnicity, gender, special education status, and English language learner  
1021 status. Annually, not later than December 1, the commissioner shall make the data publicly  
1022 available online in human and machine readable formats, annually on or before December 1, and  
1023 shall file the data annually with the clerks of the senate and house of representatives and senate  
1024 and the joint committee on education not later than December 1.

1025 SECTION 71. Notwithstanding any general or special law to the contrary, for school  
1026 districts qualifying under paragraph (4) of subsection (i) of section 89 of chapter 71 of the  
1027 General Laws with a net school spending that exceeds 18 per cent: (1) in fiscal year 2019, the  
1028 public school district's total charter school tuition payment to commonwealth charter schools  
1029 shall not exceed 19 per cent of the district's net school spending; (2) in fiscal year 2020, the  
1030 public school district's total charter school tuition payment to commonwealth charter schools  
1031 shall not exceed 20 per cent of the district's net school spending; (3) in fiscal year 2021, the  
1032 public school district's total charter school tuition payment to commonwealth charter schools  
1033 shall not exceed 21 per cent of the district's net school spending; (4) in fiscal year 2022, the

1034 public school district's total charter school tuition payment to commonwealth charter schools  
1035 shall not exceed 22 per cent of the district's net school spending; and (5) in fiscal year 2023 and  
1036 subsequent fiscal years, the public school district's total charter school tuition payment to  
1037 commonwealth charter schools shall not exceed 23 per cent of the district's net school spending.

1038         Notwithstanding any general or special law to the contrary, a public school district's total  
1039 charter school tuition payment to commonwealth charter schools under this section shall be  
1040 limited to the per cent of the district's net school spending in the previous fiscal year if  
1041 reimbursement by the commonwealth under subsection (gg) of section 89 of chapter 71 of the  
1042 General Laws is less than the amount required to achieve full reimbursement under the  
1043 percentages set forth in the second sentence of said subsection (gg) of said section 89 of said  
1044 chapter 71. The amount required to achieve full reimbursement shall be based on the projection  
1045 of the department offered as of April 15 of the previous fiscal year. Notwithstanding this section,  
1046 a district's net school spending shall not increase by more than 1 per cent in a fiscal year.

1047         SECTION 72. There shall be a commission to review and report on the efficacy of  
1048 charter school funding in the commonwealth. The commission shall study and report on the  
1049 methods used to fund charter schools in other states and the appropriateness of the approach  
1050 currently used in the commonwealth as compared to other states. The commission shall make  
1051 recommendations for revising the commonwealth's approach to charter school funding as  
1052 appropriate.

1053         The commission shall consist of 15 members: 2 of whom shall be appointed by the  
1054 president of the senate, 1 of whom shall serve as a co-chair; 2 of whom shall be appointed by the  
1055 speaker of the house of representatives, 1 of whom shall serve as a co-chair; 1 of whom shall be



1056 appointed by the minority leader of the senate; 1 of whom shall be appointed by the minority  
1057 leader of the house of representatives; the secretary of education or a designee; the commissioner  
1058 of elementary and secondary education or a designee; the secretary of administration and finance  
1059 or a designee; a representative of the Massachusetts Association of School Committees, Inc.; a  
1060 representative of the Massachusetts Association of School Superintendents, Inc.; a representative  
1061 of the Massachusetts Teachers Association; a representative of the American Federation of  
1062 Teachers; a representative of the Massachusetts Charter Public School Association, Inc.; and a  
1063 representative of the Massachusetts Business Alliance for Education.

1064 The commission shall issue a final report and recommendations for legislation, if any, to  
1065 the clerks of the house of representatives and senate not later than January 1, 2017.

1066 SECTION 73. Notwithstanding any general or special law to the contrary, the  
1067 department of elementary and secondary education shall revise its regulations as they relate to  
1068 subsection (jj) of section 89 of chapter 71 of the General Laws to accurately reflect the statutory  
1069 requirements not later than January 1, 2017.

1070 SECTION 74. The department of elementary and secondary education, in consultation  
1071 with the Massachusetts office of information technology, the department of transitional  
1072 assistance, the office of Medicaid and the executive office of health and human, services shall  
1073 make recommendations to update the calculation and definition for “low-income enrollment” in  
1074 section 2 of chapter 70 of the General Laws. The department shall file the recommendations  
1075 with the clerks of the house of representatives and the senate, the house and senate chairs of the  
1076 committees on ways and means, and the chairs of the joint committee on education not later than  
1077 January 1, 2017. The updated calculation and definition may be implemented under chapter 70

1078 including increments to reflect the needs of districts with high concentrations of low-income  
1079 students.

1080         SECTION 75. Notwithstanding any general or special law to the contrary the Department  
1081 of Elementary and Secondary Education and Department of Early Education and Care shall  
1082 jointly administer literacy grants in 3 year increments to fund early literacy initiatives and  
1083 programs; provided, that grants shall serve high-need children, including English language  
1084 learners; provided further, that preference shall be given to initiatives and programs with proven  
1085 records of success in establishing scalable and sustainable gains in early literacy improvement or  
1086 early English language acquisition; provided further, that the department of elementary and  
1087 secondary education and the department of early education and care shall jointly develop grant  
1088 requirements and manage the grant program; provided further, that eligible grantees shall  
1089 include, but not be limited to, school districts, charter schools, collaboratives, early education  
1090 providers, pediatric literacy programs, early intervention programs, and home visiting programs;  
1091 provided further, that preference shall be given to proposals that demonstrate partnerships and  
1092 coordination across programs and organizations; provided further, that preference shall be given  
1093 to proposals that demonstrate the ability to serve the same children over multiple years and grade  
1094 levels; and provided further, that grantees shall be required to provide data to demonstrate  
1095 measurable improvement in student outcomes through assessment tools approved by both  
1096 departments

1097         SECTION 76. One or more public college or university in the commonwealth shall study,  
1098 in consultation with the department of elementary and secondary education, local educational  
1099 authorities and private educational providers, the delivery of special education services in the

1100 commonwealth pursuant to chapter 71B of the General Laws and all applicable federal laws,  
1101 including the Individuals with Disabilities Educational Act of 1990.

1102 Said study shall include a comprehensive evaluation of existing and potential models for  
1103 providing special education, and the associated costs and benefits, including but not limited to  
1104 the costs of personnel compensation, transportation, housing and assistive technologies. Said  
1105 study shall also seek to identify means by which services and instruction may be provided in a  
1106 proactive manner, without the requirement or need for an individual education plan, but so as to  
1107 maximize learning progress in local educational settings.

1108 Said study, together with any legislative recommendations, shall be filed with the joint  
1109 committee on education and the clerks of the senate and the house of representatives not later  
1110 than May 1, 2017.

1111 SECTION 77. Notwithstanding any general or special law to the contrary, each charter  
1112 school authorized pursuant to section 89 of chapter 71 of the general laws shall report annually  
1113 not later than August 1 of each year, to the Department of Elementary and Secondary Education  
1114 any and all methods, practices, programs or components of its educational system which have  
1115 proven to be successful in promoting student achievement, and which may be replicated in  
1116 public schools in the Commonwealth.

1117 The department shall receive and analyze all such reports, and, not later than December  
1118 31 of each year, produce and publish on its website, a comprehensive state wide report  
1119 summarizing, categorizing, and explaining such methods, practices, programs or components.

1120           SECTION 78. Notwithstanding any general or special law to the contrary members of the  
1121 board of elementary and secondary education on the effective date of this act shall continue in  
1122 office for the remainder of their unexpired terms.

1123           SECTION 79. Section 10 of chapter 152 of the acts of 1997 are hereby amended by  
1124 inserting in at the end of sub clause (iii) in clause (C) the following:- (iv) Not less than twenty  
1125 million plus fifty per cent of surplus over required debt service to the Learning Innovation for  
1126 Tomorrow fund

1127           SECTION 80. Chapter 195 of the acts of 2014 are hereby repealed

1128           SECTION 81. Notwithstanding any general or special law to the contrary, prior to  
1129 transferring the consolidated net surplus in the budgetary funds to the Commonwealth  
1130 Stabilization Fund under section 5C of chapter 29 of the General Laws, the comptroller shall  
1131 dispose of the consolidated net surplus in the budgetary funds as follows: (1) transfer 1/3 of the  
1132 surplus, not to exceed \$10,000,000, to the Massachusetts Community Preservation Trust Fund  
1133 established in section 9 of chapter 44B of the General Laws; (ii) transfer 1/3 of the surplus, not to  
1134 exceed \$10,000,000, to the Massachusetts Life Sciences Investment Fund established in section  
1135 6 of the chapter 23I of the General Laws; and (iii) transfer 1/3 of the surplus, not to exceed  
1136 \$10,000,000 to the Learning Innovation for Tomorrow fund established in section 1 of this act.