

SENATE No. 2220

Senate, April 7, 2016 -- Text of the Senate Bill enhancing reform, innovation and success in education (Senate, No. 2220) (being the text of Senate, No. 2203, printed as amended)

The Commonwealth of Massachusetts

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

An Act enhancing reform, innovation and success in education.

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

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

3 Section 35DDD. There shall be established upon the books of the commonwealth a
4 separate fund to be known as the Innovative Education Trust Fund. The secretary of education
5 shall be the trustee of the fund and may expend monies from the fund; provided, however, that
6 amounts credited to the fund shall be expended to support and incentivize innovative education
7 by enhancing Horace Mann and Innovation Schools, and, provided further, that the grants
8 provided from the fund may be matched by private sector donations.

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

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

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

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

39 Section 5B½. (a) On or before January 15 the secretary of administration and finance
40 shall meet with the house and senate committees on ways and means and shall jointly determine
41 an implementation schedule to fulfill the recommendations filed on November 2, 2015 by the
42 foundation budget review commission established under section 4 of chapter 70. The
43 implementation schedule shall establish a foundation budget as defined in section 2 of said
44 chapter 70 as most recently updated by section 3 of the general appropriation act incorporating
45 the categories of tuitioned-out special education rate, assumed in-school special education
46 enrollment, low-income expanded program increment, low-income enrollment, retired employee
47 health insurance rate and English language learner expanded program increment as defined in
48 section 2 of chapter 70 over a period of 7 fiscal years; provided, however, that in the first year of
49 the term of office of a governor who has not served in the preceding year the parties shall
50 determine an implementation schedule not later than January 31 of that year. The schedule may
51 be amended by agreement of the senate and house ways and means committees in any of the 7
52 fiscal years to reflect changes in enrollment, inflation, student populations, or other factors that
53 would affect the remaining costs in the schedule; provided, however, that the final year of the
54 schedule shall not surpass fiscal year 2025, but the schedule may be fully implemented prior to
55 fiscal year 2025. The implementation schedule shall be included in a joint resolution and placed
56 before the members of the general court for their consideration. The implementation schedule
57 shall be subject to appropriation.

58 SECTION 4. Section 5B½ of chapter 29 of the General Laws is hereby repealed.

59 SECTION 5. The third paragraph of section 1I of chapter 69 of the General Laws, as so
60 appearing, is hereby amended by inserting after the second sentence the following sentence:-
61 When reporting outcomes on diagnostic assessments to the department, each school shall include
62 the number of students who were enrolled in the school on the first day of the school year and
63 unenrolled from the school prior to administration of the assessments.

64 SECTION 6. The fifth paragraph of said section 1I of said chapter 69, as so appearing, is
65 hereby amended by inserting after the first sentence the following sentence:- When evaluating
66 public schools, school districts, teachers or administrators in a given year, the board shall not
67 consider the student performance data of students who have withdrawn from 1 school and
68 enrolled in another school during that year or the student performance data of students whose
69 formal education has been substantially interrupted during the previous 3 years.

70 SECTION 6A. The ninth paragraph of said section 1I of said chapter 69 , as so appearing,
71 is hereby amended by striking out clause (a) and inserting in place thereof the following clause:-
72 (a) an analysis of student and subgroup achievement gaps, including English language learners
73 and students receiving special education.

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

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

79 SECTION 8. Section 1J of said chapter 69, as so appearing, is hereby amended by
80 striking out subsection (a) and inserting in place thereof the following 2 subsections:-

81 (a) Prior to October 1, the commissioner of elementary and secondary education may, on
82 the basis of (i) student performance data collected pursuant to section 11; (ii) a school or district
83 review performed under section 55A of chapter 15; or (iii) regulations adopted by the board of
84 elementary and secondary education, designate 1 or more schools in a school district other than a
85 Horace Mann charter school as a priority, underperforming or chronically underperforming
86 school. The board shall adopt regulations establishing standards for the commissioner to make
87 such designations on the basis of data collected pursuant to section 11 or information from a
88 school or district review performed under section 55A of chapter 15. Upon the release of the
89 proposed regulations, the board shall file a copy of the proposed regulations with the clerks of
90 the senate and house of representatives who shall forward the regulations to the joint committee
91 on education. Within 30 days of the filing, the joint committee may hold a public hearing and
92 issue a report on the regulations and file the report with the board. The board, pursuant to
93 applicable law, may adopt final regulations making revisions to the proposed regulations as it
94 deems appropriate after consideration of the report and shall immediately file a copy of the
95 regulations with the chairs of the joint committee on education. Not earlier than 30 days from
96 the filing, the board shall file the final regulations with the state secretary. Schools that score in
97 the lowest 20 per cent statewide among schools serving common grade levels on a single
98 measure developed by the department that takes into account student performance data and
99 improvement in student academic performance, shall be deemed eligible for designation as a
100 priority, underperforming or chronically underperforming school; provided, however, that any
101 school designated as a priority school shall be drawn from those schools most likely to be
102 designated as underperforming. Not more than 4 per cent of the total number of public schools

103 may be designated as a priority, underperforming or chronically underperforming school at any
104 given time.

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

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

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

121 (a^{1/2}) (1) Within 15 days of the commissioner's designating a school as a priority
122 school, the school committee and the local teachers union shall meet to negotiate a waiver
123 agreement, if necessary, which shall identify any provisions of the collective bargaining
124 agreement that would be subject to a waiver upon a 2/3 vote of the teachers working at least 50

125 per cent of the time in the designated priority school. Such waivers shall be designed to permit
126 the implementation of a turnaround plan and may include provisions that are inconsistent with
127 the existing collective bargaining agreement. Such negotiations shall be completed not later than
128 30 days from the date the commissioner designated the school as a priority school and the parties
129 shall not be eligible for relief under section 9 of chapter 150E. If the school committee and the
130 union fail to reach an agreement, the process provided in this subsection shall be terminated and
131 the commissioner may designate the school as underperforming pursuant to subsection (a).

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

145 (2) In creating the turnaround plan, the local stakeholder group shall, to the extent
146 practicable, base the plan on student outcome data, including, but not limited to: (i) data
147 collected pursuant to section 1I or information from a school or district review performed under

148 section 55A of chapter 15; (ii) student achievement on the statewide assessment system approved
149 by the board under section 11; (iii) other measures of student achievement, approved by the
150 commissioner; (iv) student promotion and graduation rates; (v) achievement data for different
151 subgroups of students, including low-income students as defined in section 2 of chapter 70,
152 limited English proficient students and students receiving special education; and (vi) student
153 attendance, dismissal rates and exclusion rates.

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

171 state and federal law applicable to the relevant programs to be administered. The secretary of
172 education shall assist the superintendent in facilitating the coordination.

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

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

191 Notwithstanding any general or special law to the contrary, the turnaround plan may
192 include provisions that allow the superintendent to: (i) expand, alter or replace the curriculum

193 and program offerings of the school, including the implementation of research-based early
194 literacy programs, early interventions for struggling readers and the teaching of advanced
195 placement courses or other rigorous nationally or internationally recognized courses, if the
196 school does not already have such programs or courses; (ii) reallocate the uses of the existing
197 budget of the school; (iii) provide additional funds to the school from the budget of the district, if
198 the school does not receive funding from the district at least equal to the average per pupil
199 funding received for students of the same classification and grade level in the district; (iv)
200 provide funds, subject to appropriation, to expand the length of the school's day, year or both;
201 (v) limit, suspend or change 1 or more school district policies or practices that relate to improved
202 student performance and achievement at the school; (vi) for an elementary school, add pre-
203 kindergarten and full-day kindergarten classes, if the school does not already have such classes;
204 (vii) include a provision of job-embedded professional development for teachers at the school,
205 with an emphasis on strategies that involve teacher input and feedback; (viii) provide for
206 increased opportunities for teacher planning time and collaboration, including professional
207 learning communities focused on improving student instruction; (ix) establish a plan for
208 professional development for administrators at the school, with an emphasis on strategies that
209 develop leadership skills and use the principles of distributive leadership; (x) redesign and
210 refocus the use of existing teacher preparation periods in the school to ensure that such
211 preparation period is utilized to improve student instruction with an emphasis on improved
212 student performance and achievement at the school; (xi) provide for increased usage of teachers'
213 aides or other paraprofessionals to provide educational support including, but not limited to,
214 tutoring, instructional assistance and parental involvement activities; (xii) develop a strategy to
215 search for and study best practices in areas of demonstrated deficiency in the school; (xiii)

216 establish strategies to address student attendance, mobility and transiency among the student
217 population of the school; and (xiv) use formative and summative assessments to track student
218 progress and to inform the instructional strategies employed in the classroom. The plan may also
219 include a financial plan for the school based on additional funds provided by the district, state,
220 federal government, private foundations or other sources and may include a process for
221 modifying the plan.

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

226 (4) The local stakeholder group shall submit an initial turnaround plan to the school
227 committee within 30 days of its initial meeting. The school committee may propose
228 modifications to the turnaround plan and shall submit any proposed modifications to the
229 superintendent within 10 days of receiving the initial plan. The superintendent shall consider and
230 may incorporate, alter or reject the proposed modifications submitted by the school committee
231 and may propose additional modifications to the plan. Within 15 days of receiving any proposed
232 modifications from the school committee, the superintendent shall issue the final turnaround plan
233 for the school.

234 (5) The superintendent shall submit the final turnaround plan to the school committee and
235 the teachers in the school for approval and shall forward a copy of the plan to the commissioner.
236 A 2/3 vote of the teachers, including teachers on approved leave, shall be required to approve the
237 plan and shall be conducted by the local teachers union. A copy of the plan shall be provided to

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

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

258 If the superintendent, in consultation with the principal of the school, determines that the
259 school has met the annual performance goals stated in the turnaround plan, the review shall be
260 considered sufficient and the implementation of the turnaround plan shall continue. If the

261 superintendent determines that the school has not met 1 or more goals in the turnaround plan and
262 that the failure to meet the goals may be corrected through reasonable modification of the plan,
263 the superintendent may reconvene the local stakeholder group and may amend the turnaround
264 plan in a manner consistent with the requirements of paragraphs (1) to (5), inclusive; provided,
265 however, that if a turnaround plan includes a process for modifying the plan, such modifications
266 shall be implemented under the plan.

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

277 SECTION 9. Said section 1J of said chapter 69, as so appearing, is hereby further
278 amended by inserting after the word "System", in lines 101, 144, 451 and 492, each time it
279 appears, the following words:- , or any successor statewide assessment system approved by the
280 board pursuant to section 1I.

281 SECTION 10. Said section 1J of said chapter 69, as so appearing, is hereby further
282 amended by inserting after the figure "chapter 71A", in line 123, the following words:- ;

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

285 SECTION 11. Said section 1J of said chapter 69, as so appearing, is hereby further
286 amended by inserting after the word “government”, in lines 125 and 475, each time it appears,
287 the following words:-, private foundations.

288 SECTION 11A. Subsection (d) of said section 1J of said chapter 69, as so appearing, is
289 hereby amended by striking out clauses (14) to (16), inclusive, and inserting in place thereof the
290 following 4 clauses:- “(14) provide for increased usage of teachers’ aides or other
291 paraprofessionals to provide educational support, including but not limited to tutoring,
292 instructional assistance and parental involvement activities; (15) develop a strategy to search for
293 and study best practices in areas of demonstrated deficiency in the school; (16) establish
294 strategies to address mobility and transiency among the student population of the school; and
295 (17) include additional components based on the reasons why the school was designated as
296 underperforming and the recommendations of the group of stakeholders in subsection (b).

297 SECTION 12. Said section 1J of said chapter 69, as so appearing, is hereby further
298 amended by striking out, in line 217, the words “or chronically underperforming”.

299 SECTION 13. Said section 1J of said chapter 69, as so appearing, is hereby further
300 amended by inserting after the word “issues”, in line 290, the following word:- to.

301 SECTION 14. Subsection (l) of said section 1J of said chapter 69, as so appearing, is
302 hereby amended by adding the following sentence:- Until the commissioner makes the
303 determination required under this section and any new or amended turnaround plan is approved,
304 the terms of the expired turnaround plan shall remain in effect.

305 SECTION 15. Said section 1J of said chapter 69, as so appearing, is hereby further
306 amended by inserting after the figure “chapter 71A”, in line 473, the following words:- ;
307 provided, however, that the school committee may retain the programs after the school is no
308 longer designated as chronically underperforming.

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

313 SECTION 16A. The first paragraph of subsection (o) of said section 1J of said chapter
314 69, as so appearing, is hereby amended amended by striking out clauses (14) to (16), inclusive
315 and inserting in place thereof the following 4 clauses:- (14) provide for increased usage of
316 teachers’ aides or other paraprofessionals to provide educational support including, but not
317 limited to, tutoring, instructional assistance and parental involvement activities; (15) develop a
318 strategy to search for and study best practices in areas of demonstrated deficiency in the school;
319 (16) establish strategies to address mobility and transiency among the student population of the
320 school; and (17) include additional components, at the discretion of the commissioner, based on
321 the reasons the school was designated as chronically underperforming and the recommendations
322 of the local stakeholder group in subsection (m).

323 SECTION 17. Said section 1J of said chapter 69, as so appearing, is hereby further
324 amended by striking out, in line 558, the word “commissioner” and inserting in place thereof the
325 following words:- superintendent or, if 1 has been appointed pursuant to subsection (r), the
326 school’s receiver.

327 SECTION 18. Said section 1J of said chapter 69, as so appearing, is hereby further
328 amended by striking out, in line 559, the figure “(7)” and inserting in place thereof the following
329 figure:- (8).

330 SECTION 19. Said section 1J of said chapter 69, as so appearing, is hereby further
331 amended by striking out, in line 568, the words “underperforming or”.

332 SECTION 20. Said section 1J of said chapter 69, as so appearing, is hereby further
333 amended by striking out, in lines 571 and 572, the words “commissioner or superintendent” and
334 inserting in place thereof the following words:- superintendent or receiver .

335 SECTION 21. Subsection (s) of said section 1J of said chapter 69, as so appearing, is
336 hereby amended by adding the following 2 sentences:- Following the annual appropriation of the
337 school district's operating budget, the amount approved for the operation of each chronically
338 underperforming school shall be available for expenditure by the superintendent or the external
339 receiver for any lawful purpose. A chronically underperforming school shall not expend or incur
340 obligations in excess of its budget; provided, however, that a chronically underperforming school
341 may spend federal and state grants and other funds received independently of its operating
342 budget without approval from the school committee or by the superintendent if a receiver has
343 been appointed.

344 SECTION 22. Said section 1J of said chapter 69, as so appearing, is hereby amended by
345 striking out, in lines 749 and 750, and in line 751, the words “an underperforming” and inserting
346 in place thereof, in each instance, the following words:- a priority, underperforming,.

347 SECTION 23. Said section 1J of said chapter 69, as so appearing, is hereby further
348 amended by striking out, in line 762, the words “district previously designated as” and inserting
349 in place thereof the following words:- school previously designated as underperforming or.

350 SECTION 24. Said section 1J of said chapter 69, as so appearing, is hereby further
351 amended by striking out, in line 769, the word “underperforming” and inserting in place thereof
352 the following words:- priority, underperforming.

353 SECTION 25. The second paragraph of subsection (a) of section 1K of said chapter 69,
354 as so appearing, is hereby amended by adding the following sentence:- At the request of the
355 commissioner, the secretary of administration and finance shall appoint a chief procurement
356 officer for a district designated as chronically underperforming.

357 SECTION 26. Said section 1K of said chapter 69, as so appearing, is hereby further
358 amended by striking out, in line 54, the word “an” and inserting in place thereof the following
359 word:- a.

360 SECTION 27. Said section 1K of said chapter 69, as so appearing, is hereby further
361 amended by inserting after the word “System”, in lines 99 and 140, the following words:- , or
362 any successor statewide assessment system approved by the board pursuant to section 1I.

363 SECTION 28. Said section 1K of said chapter 69, as so appearing, is hereby further
364 amended by inserting after the figure “71A”, in line 121, the following words:- ; provided,
365 however, that the school committee may retain the programs after the school is no longer
366 designated as chronically underperforming.

367 SECTION 29. Said section 1K of said chapter 69, as so appearing, is hereby further
368 amended by striking out, in line 129, the word “an” and inserting in place thereof the following
369 word:- a.

370 SECTION 30. Said section 1K of said chapter 69, as so appearing, is hereby further
371 amended by striking out, in lines 181 and 182, the words “reapplications. turnaround plan” and
372 inserting in place thereof the following word:- reapplications.

373 SECTION 31. Said section 1K of said chapter 69, as so appearing, is hereby further
374 amended by striking out, in lines 204, 240 and 247, the word “commissioner” and inserting in
375 place thereof, in each instance, the following word:- receiver.

376 SECTION 32. Said section 1K of said chapter 69, as so appearing, is hereby further
377 amended by striking out, in lines 217 and 218, the words “commissioner/superintendent” and
378 inserting in place thereof the following word:- receiver.

379 SECTION 33. Said section 1K of said chapter 69, as so appearing, is hereby further
380 amended by striking out, in line 239, the word “if” and inserting in place thereof the following
381 word:- If.

382 SECTION 33A. Said subsection (h) of said section 89 of said chapter 71, as so
383 appearing, is hereby further amended by adding the following paragraph:-

384 Within 30 days of the approval of a new commonwealth charter school, the board shall
385 issue a written confirmation that the school meets all the requirements in subsections (e) and (f)
386 and in the implementing regulations. The written confirmation shall include a summary of the
387 reasons for the board’s findings.

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

391 SECTION 35. Said section 1K of said chapter 69, as so appearing, is hereby further
392 amended by striking out, in line 355, the words “ subsection (h)” and inserting in place thereof
393 the following words:- subsection (i).

394 SECTION 36. Chapter 70 of the General Laws is hereby amended by striking out section
395 2, as appearing in the 2014 Official Edition, and inserting in place thereof the following section:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

433 "Combined effort yield", the sum of a municipality's equalized property valuation
434 multiplied by its uniform property percentage and its income multiplied by its uniform income
435 percentage.

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

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

438 "District" or "School district", the school department of a city or town or a regional
439 school district.

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

442 "Employee benefits and fixed charges allotment", the amount allotted within a district's
443 foundation budget for employee benefits and fixed charges; provided, however, that for fiscal
444 year 2019 and thereafter, the employee benefits and fixed charges allotment shall be the
445 employee health insurance rate multiplied by the number of active employees for whom the
446 district provides health insurance, plus the retired employee health insurance rate multiplied by
447 the number of the district's retired employees, plus the product of .29 and the sum of the
448 employee health insurance rate and the retired employee health insurance rate.

449 “Employee health insurance rate”, the average group insurance commission premium for
450 all plans for the 3 previous fiscal years; provided, however, that the group insurance commission
451 shall annually, not later than June 30, provide the department with data necessary for the
452 determination of such rate or any increase thereof.

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

456 “English language learner expanded program increment”, the amount allotted within a
457 district’s foundation budget for additional services for English language learners, including those
458 enrolled in vocational and technical schools; provided, however, that the increment shall be
459 \$2,361 multiplied by the number of English language learners in the district for fiscal year 2017,
460 adjusted annually thereafter by the foundation inflation index.

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

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

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

474 (iii) “junior high or middle school enrollment”, the number of students enrolled in grades
475 6 to 8, inclusive, and not enrolled in English language learner, or vocational programs in a
476 district;

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

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

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

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

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

492 "Foundation aid increment", the positive difference between a district's foundation budget
493 and its required district contribution; provided, however, that from fiscal years 2019 to 2025,
494 inclusive, both the district foundation budget and the required district contribution shall be
495 calculated based on the implementation schedule agreed to pursuant to section 5B ½ of chapter
496 29.

497 "Foundation budget", the sum of the administration allotment, instructional leadership
498 allotment, classroom and specialist teachers allotment, other teaching services allotment,
499 professional development allotment, instructional materials, equipment and technology
500 allotment, guidance and psychological allotment, pupil services allotment, operations and
501 maintenance allotment, employee benefits and fixed charges allotment and tuitioned-out special
502 education tuition allotment and the English language learners expanded program increment and
503 the low-income expanded program increment; provided, however, that the base year for
504 calculating the foundation budget shall be fiscal year 2017; provided further, that the base year
505 foundation budget shall be calculated according to the formulas in this section using foundation
506 enrollment as described in this section; and provided further that, for fiscal years thereafter, the
507 foundation budget shall be the base year foundation budget, as adjusted for enrollment and for
508 inflation as set forth in section 3.

509 "Foundation enrollment", the student enrollment of a district in any fiscal year; provided,
510 however, that the "foundation enrollment" shall be the sum of the foundation elementary, junior
511 high or middle school, high school and vocational enrollment plus 1/2 of the sum of the

512 foundation preschool and kindergarten enrollment, including students enrolled in the program for
513 the elimination of racial imbalance under section 12A of chapter 76; and provided further, that
514 annually, not later than March 1 of each calendar year, the department shall certify the
515 foundation enrollment for the next fiscal year as the actual enrollment as reported the previous
516 October.

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

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

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

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

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

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

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

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

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

545 "Instructional leadership allotment", the amounts allotted within a district's foundation
546 budget for instructional leadership in a fiscal year; provided, however, that for fiscal year 2017,
547 the "instructional leadership allotment" shall be the sum of the following rate calculations; and
548 provided further, that for subsequent fiscal years, "instructional leadership allotment" shall be the
549 sum of the following rates annually adjusted by the foundation inflation index:

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

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

555 "Instructional materials, equipment and technology allotment", the amount allotted within
556 a district's foundation budget for instructional materials, equipment and technology; provided,
557 however, that the fiscal year 2017 instructional materials, equipment and technology allotment,
558 based on a sum of the following rate calculations, shall be the base year, adjusted annually by the
559 foundation inflation index:

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

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

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

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

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

567 "Low-income enrollment", the number of children attending school in a district regardless
568 of residence or tuition-paying status, with a family income at or below 185 per cent of the federal
569 poverty level; provided, however, that a low-income child or low-income student shall mean a
570 child who meets these eligibility standards; and provided further, that in determining the total
571 number of low-income students, the department shall use the preceding year's actual number of

572 low-income elementary, junior high or middle school, high school and vocational students and $\frac{1}{2}$
573 of the preceding year's actual number of low-income kindergarten and preschool students.

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

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

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

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

592 "Municipal revenue growth factor", the change in local general revenues calculated by
593 subtracting 1 from the quotient calculated by dividing the sum of: (i) the maximum levy for the

594 fiscal year estimated by multiplying the levy limit of the prior fiscal year by a factor equal to 102
595 ½ per cent plus the average of the percentage increases in the levy limit due to new growth
596 adjustments over the last 3 available years as certified by the department of revenue or as
597 otherwise estimated by the division of local services in the department of revenue where it
598 appears that a municipality may not be entitled to increase its minimum levy limit by 2 ½ per
599 cent; provided, however, that if the highest percentage during such 3 years exceeds the average
600 of the other 2 years' percentages by more than 2 percentage points, then the lowest 3 of the last 4
601 years shall be used for such calculation; (ii) the amount of general revenue sharing aid for the
602 fiscal year; and (iii) other budgeted recurring receipts not including user fees or other charges
603 determined by the division of local services to be associated with the provision of specific
604 municipal services for the prior fiscal year, by the sum of: (1) the actual levy limit for the prior
605 fiscal year; (2) the amount of general revenue sharing aid received for the prior fiscal year; and
606 (3) other recurring receipts not including user fees or other charges determined by the division of
607 local services to be associated with the provision of specific municipal services budgeted by the
608 municipality for the fiscal year preceding the prior fiscal year, if any; provided further, that for
609 the purposes of this calculation, the levy limit shall exclude any amounts generated by overrides
610 applicable to any year after the fiscal year ending June 30, 1993; provided further, that in the
611 absence of an actual levy limit for the prior fiscal year, the actual levy limit for the prior fiscal
612 year shall be estimated by multiplying the actual levy limit of the fiscal year preceding the prior
613 fiscal year by a factor equal to 102 ½ per cent plus the average of the percentage increases in the
614 levy limit due to new growth as specified above; and provided further, that in making any of
615 these required calculations, the division of local services may substitute more current
616 information or such other information as would produce a more accurate estimate of the change

617 in a municipality's general local revenues and the department shall use such growth factor to
618 calculate preliminary contribution, required local contribution and any other factors that directly
619 or indirectly use the municipal growth factor.

620 "Net school spending", the total amount spent for the support of public education,
621 including teacher salary deferrals and tuition payments for children residing in the district who
622 attend a school in another district or other approved facility, determined without regard to
623 whether such amounts are regularly charged to school or nonschool accounts by the municipality
624 for accounting purposes; provided, however, that net school spending shall not include any
625 spending for long-term debt service, and shall not include spending for school lunches and
626 student transportation; provided further that "net school spending" shall also not include tuition
627 revenue or revenue from activity, admission, other charges or any other revenue attributable to
628 public education; provided further, that such revenue shall be made available to the school
629 district which generated the revenue in addition to any financial resources made available by
630 municipalities or state assistance; provided further, that the department, in consultation with the
631 department of revenue, shall promulgate regulations to ensure a uniform method of determining
632 which municipal expenditures shall be appropriated for the support of public education and
633 which revenues are attributable to public education in accordance with this section; and provided
634 further, that the regulations shall include provisions for resolving disputes which may arise
635 between municipal and school officials.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

661 “Preliminary contribution”, the product of: (i) a municipality's required local contribution
662 for the prior fiscal year; and (ii) 1 plus the municipal revenue growth factor for the current year;
663 provided, however, that if a municipality's preliminary local contribution as a percentage of its
664 foundation budget is more than 2.5 percentage points lower than the target local share, the
665 preliminary contribution shall be recalculated using the municipality's revenue growth factor plus
666 1 percentage point; and provided further, that if a municipality's preliminary contribution as a
667 percentage of its foundation budget is more than 7.5 percentage points lower than the target local
668 share, the preliminary contribution shall be recalculated using the municipality's revenue growth
669 factor plus 2 percentage points.

670 “Professional development allotment”, the amount allotted within a district's foundation
671 budget for professional development; provided, however, that the fiscal year 2017 professional
672 development allotment, based on a sum of the following rate calculations, shall be the base year,
673 adjusted annually by the foundation inflation index:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

697 "Required district contribution", a local district's share of the municipality's required local
698 contribution or, in a regional district or agricultural school, the sum of the member

699 municipalities' required local contributions apportioned to that regional district or agricultural
700 school.

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

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

707 "Retired employee health insurance rate", the average group insurance commission
708 premium for all retiree plans for the 3 previous fiscal years; provided, however, that the group
709 insurance commission shall annually, not later than June 30, provide the department with data
710 necessary for the determination of such rate or any increase thereof.

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

713 "Target aid share", for a local district, 100 per cent minus the municipality's target local
714 share; provided, however, that for a regional district or agricultural school, the "target aid share"
715 shall be 100 per cent minus each member municipality's target local share, multiplied by each
716 municipality's share of the regional district's enrollment, summed for all members of the district.

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

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

721 "Tuitioned-out special education allotment", the product of the tuitioned-out special
722 education rate and the assumed tuitioned-out special education enrollment.

723 "Tuitioned-out special education rate", 3 times the statewide foundation budget per-pupil
724 amount.

725 "Wage adjustment factor", an adjusted difference between the average annual wage for
726 all jobs in the labor market area in which a municipality is located and the average annual wage
727 in the commonwealth; provided, however, that average annual wage figures shall be published
728 annually by the division of employment and training; provided further, that the wage adjustment
729 factor shall be the sum of 1 plus a fraction, the numerator of which shall be the product of $\frac{1}{3}$
730 and the difference resulting from subtracting the average annual wage in the commonwealth
731 from the average annual wage of the municipality, and the denominator of which shall be the
732 average annual wage in the commonwealth; and provided further, that for the purposes of this
733 definition, the average annual wage of the municipality shall be the sum of:

734 (i) .8 multiplied by the average annual wage for all jobs in the labor market area in which
735 the municipality is located; and

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

738 SECTION 37. The third paragraph of section 3 of said chapter 70, as appearing in the
739 2014 Official Edition, is hereby amended by striking out the last sentence and inserting in place

740 thereof the following sentence:- The factors to be inflated by the foundation inflation index shall
741 be the monetary values for the administration allotment, the instructional leadership allotment,
742 the classroom and specialist teachers allotment, the other teaching services allotment, the
743 professional development allotment, the instructional materials, equipment and technology
744 allotment, the guidance and psychological allotment, the pupil services allotment, the operations
745 and maintenance allotment, the English language learner expanded program increment and the
746 low-income student expanded program increment.

747 SECTION 38. Section 5 of said chapter 70 is hereby repealed.

748 SECTION 39. Section 6 of said chapter 70, as appearing, is hereby amended by striking
749 out, in line 6, the word "minimum".

750 SECTION 40. Said section 6 of said chapter 70, as so appearing, is hereby further
751 amended by striking out, in line 8, the words "but not including equity aid,".

752 SECTION 41. Section 7 of said chapter 70 is hereby repealed.

753 SECTION 41A. Section 9 of said chapter 70 is hereby repealed.

754 SECTION 42. Said chapter 70 is hereby further amended by striking out section 10, as
755 appearing in the 2014 Official Edition, and inserting in place thereof the following section:-

756 Section 10. Subject to appropriation, the amount of state aid to be paid to each
757 municipality in each fiscal year under this chapter shall be the sum of the base aid, the
758 foundation aid increment and the minimum aid to which the municipality may be entitled under
759 this chapter.

760 SECTION 42A. Said chapter 70 is hereby amended by inserting after section 4 the
761 following section:-

762 Section 4A. (a) The department, in consultation with the executive office of education,
763 shall a convene data advisory committee to promote the improved use of school-level data to
764 inform effective resource allocation decisions at the local level. The data advisory committee
765 shall include, but not be limited to, a representative from the following organizations: the
766 Massachusetts Association of School Committees, Inc.; the Massachusetts Association of School
767 Superintendents, Inc.; the Massachusetts Association of School Business Officials, Inc.; the
768 Massachusetts Association of Vocational Administrators, Inc.; and the Massachusetts
769 Association of Regional Schools, Inc. The data advisory committee shall assist the department to
770 identify, advise and analyze cost-effective ways to achieve the following goals including, but not
771 limited to:

772 (i) streamlining financial reporting, eliminate duplicate reporting requirements and
773 improve data quality;

774 (ii) strengthening the department's capacity to analyze and report staffing, scheduling and
775 financial data in ways that support strategic resource allocation decisions at the district and
776 school level;

777 (iii) strengthening district capacity to use data to make strategic resource allocation
778 decisions; and

779 (iv) how to establish a data collection and reporting system that:

780 (1) tracks funding allocated for English language learner and low-income students
781 to ensure that spending is targeted to the intended populations and to provide a data source for
782 the foundation budget review commission about the accuracy and adequacy of the low-income
783 and English language learner increments; and

784 (2) allows for access to school-level expenditures and data across all districts to
785 inform the public and policy-makers about effective school-level interventions and investments.

786 The data advisory committee shall report its progress to the board, the chairs of the joint
787 committee on education and the house and senate committees on ways and means not less than
788 semi-annually, by December 1 and June 1 of each year, and shall make recommendations as are
789 necessary for the department to achieve the goals outlined in this section. The department may,
790 in consultation with the data advisory group, develop or procure the data collection and reporting
791 system under clause (iv).

792 SECTION 43. Section 15 of chapter 70B of the General Laws, as so appearing, is hereby
793 amended by striking out, in line 68, the words “lease at” and inserting in place thereof the
794 following words:- lease, in whole or in part, at.

795 SECTION 44. Chapter 71 of the General Laws is hereby amended by striking out section
796 14, as so appearing, and inserting in place thereof the following section:-

797 Section 14. A city, by a majority vote of its council or board of aldermen and a majority
798 vote of the school committee, or any town, either by a majority vote of its board of selectmen
799 and a majority vote of the school committee or by vote in town meeting, may create a special
800 unpaid regional school district planning committee, to consist of 3 members, 1 of whom shall be
801 a member of the school committee who shall be appointed by the moderator. At the same

802 meeting or at a subsequent meeting, the city or town may appropriate for the expense of the
803 regional school district planning committee such sums, not exceeding 1/10 of 1 per cent of the
804 assessed valuation of such city or town in the preceding year, as it may deem necessary. A
805 regional school district planning committee from 1 municipality may join with other
806 municipalities to form a regional school district planning board. Such regional school district
807 planning board shall organize forthwith upon its formation by the election of a chairman and
808 secretary-treasurer,

809 SECTION 45. Section 14A of said chapter 71 of the General Laws, as so appearing, is
810 hereby amended by inserting before the word “towns”, in line 11, the following words:- cities or.

811 SECTION 46. Said chapter 71 is hereby further amended by striking out section 14B, as
812 so appearing, and inserting in place thereof the following section:-

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

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

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

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

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

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

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

844 (vii) the method by which the agreement may be amended;
845 (viii) the detailed procedure for the preparation and adoption of an annual budget;
846 and
847 (ix) any other matters, not incompatible with law, which the said board may deem
848 advisable.

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

852 SECTION 47. Section 16 of said chapter 71, as so appearing, is hereby amended by
853 striking out, in line 161, the word “ten” and inserting in place thereof the following figure:- 30.

854 SECTION 48. Said section 16 of said chapter 71 of the General Laws, as so appearing, is
855 hereby amended by adding the following clause:-

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

860 SECTION 48A. Section 16C of chapter 71 is hereby amended by adding the following 2
861 sentences:- Reimbursement to a school district for regional school transportation shall not be
862 subject to section 9C of chapter 29. A reduction in regional school transportation funding shall
863 be made solely by a vote of the general court; provided, however, that a reduction made by the
864 general court shall not be greater than the percentage reduction in school aid under chapter 70.

865 SECTION 49. Section 37H of said chapter 71 as so appearing, is hereby amended by
866 inserting, after the word “policies”, in line 13, the following words:- shall be publicly available
867 on the school district’s website and.

868 SECTION 50. Said section 37H of said chapter 71, as so appearing, is hereby further
869 amended by inserting after the third paragraph the following paragraph:-

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

872 SECTION 50A. Said section 37H of said chapter 71, as so appearing, is hereby further
873 amended by adding the following paragraph:-

874 Each commonwealth charter school shall establish a panel consisting of 3 members of the
875 board of trustees to hear appeals of disciplinary actions taken by the charter school under
876 sections 37H½ and 37H¾, 1 of whom shall be the representative of the district school committee
877 and 2 of whom who shall be appointed by the chairperson of the board of trustees. Unless
878 otherwise provided in this section, the panel shall have the same rights and responsibilities as a
879 superintendent in hearing appeals and issuing final decisions. A notice appealing a decision of a
880 charter school principal or headmaster to suspend or expel a student shall be directed to the
881 chairperson of the board of trustees who shall provide the notice to the members of the panel and
882 ensure a timely hearing and final decision. Meetings of the panel shall not be subject to sections
883 18 to 25, inclusive, of chapter 30A.

884 SECTION 51. Clause (1) of section 37H ½ of said chapter 71, as so appearing, is hereby
885 amended by striking out the last sentence and inserting in place thereof the following sentence:-

886 The decision shall be delivered in writing to the student and to the student’s parents or
887 guardian, and shall be the final decision of the city, town, regional school district or charter
888 school with regard to the suspension.

889 SECTION 52. Clause (2) of section 37H¹/₂ of said chapter 71, as so appearing, is hereby
890 amended by striking out the tenth sentence and inserting in place thereof the following sentence:-

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

894 SECTION 53. Said section 37H ¹/₂ of said chapter 71, as so appearing, is hereby further
895 amended by striking out the last paragraph and inserting in place thereof the following
896 paragraph:-

897 A school district or commonwealth charter school that suspends or expels a student under
898 this section shall continue to provide educational services to the student during the period of
899 suspension or expulsion as provided in section 21 of chapter 76. If the student moves to another
900 district or charter school during the period of suspension or expulsion, the new district of
901 residence or charter school shall either admit the student to its schools or provide educational
902 services to the student under an education service plan pursuant to said section 21 of said chapter
903 76.

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

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

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

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

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

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

919 SECTION 56A. Said subsection (a) of said section 89 of said chapter 71, as so appearing,
920 is hereby further amended by inserting after the definition of “district” the following definition:-

921 “Local approval”, an affirmative action accepting a commonwealth charter school taken
922 by a majority vote of a locally elected school committee for each school district from which a
923 commonwealth charter school is expected to enroll students, or, in school districts in which the
924 school committee is an appointed body, an affirmative action accepting a commonwealth charter
925 school which shall be approved by the city council and school committee’s appointing authority.

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

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

948 for the remainder of the unexpired term; and provided, further, that members may be elected or
949 appointed for more than 1 term.

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

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

971 however, that a person elected or appointed to fill a vacancy shall serve only for the remainder of
972 the unexpired term; and provided, further, that members may be elected or appointed for more
973 than 1 term.

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

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

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

995 SECTION 62. Said subsection (e) of said section 89 of said chapter 71, as so appearing
996 is hereby further amended by adding the following clause:- ; and (xvii) a summary, including the
997 date, of the applicant’s meeting with the local superintendents and public hearings.

998 SECTION 63. Subsection (h) of said section 89 of said chapter 71, as so appearing, is
999 hereby amended striking out the first paragraph and inserting in place thereof the following 3
1000 paragraphs:-

1001 Before filing an application for the establishment of a commonwealth charter school, the
1002 applicant shall: (i) meet with the district superintendent of each school district from which the
1003 charter school is expected to enroll students to review the proposed application, including how
1004 the proposed commonwealth charter school plans to complement the curriculum and instruction
1005 in the district; and (ii) hold not less than 1 public hearing with the local school committee of each
1006 school district from which the charter school is expected to enroll students to review the
1007 proposed application. Applicants that do not meet with the school district superintendent and
1008 hold a public hearing shall be disqualified from further consideration; provided, however, that if
1009 the district superintendent does not meet with the applicant at least 10 days prior to the
1010 application deadline, as established by the department, the applicant may proceed with
1011 submitting the application but shall include a written explanation, which shall also be sent to
1012 district superintendent of each school district from which the charter school is expected to enroll
1013 students, documenting all attempts to establish a meeting with the superintendent and reasons
1014 that the meeting did not take place; and, provided further, if a local school committee does not

1015 hold at least 1 public hearing with the applicant to discuss the proposed application at least 10
1016 days prior to the application deadline, the applicant may proceed with submitting the application
1017 but shall include a written explanation, which shall also be sent to the school committee,
1018 documenting all attempts to establish a hearing and reasons that the hearing did not take place. A
1019 school district superintendent or a school committee may provide its own written explanation to
1020 the commissioner documenting all attempts to establish a meeting or hearing with the applicant
1021 and reasons that the meeting or hearing did not take place. The commissioner may disqualify the
1022 applicant from further consideration if the commissioner believes that the applicant acted in bad
1023 faith with respect to scheduling the meeting with the district superintendent or the public hearing
1024 with the local school committee.

1025 An application submitted for the establishment of a commonwealth charter school shall:
1026 (i) be submitted to the board for approval under this section; and (ii) be filed with the local
1027 school committee for each school district from which the charter school is expected to enroll
1028 students. Before final approval to establish a commonwealth charter school, the board shall hold
1029 a public hearing on the application in the school district in which the proposed charter school is
1030 to be located and solicit and review comments on the application from the local school
1031 committee of each school district from which the charter school is expected to enroll students
1032 and any contiguous districts. At least 1 member of the board shall attend the public hearing. The
1033 district superintendent may submit an analysis to the department that describes how approval of
1034 the proposed charter school may affect the district's students. A comprehensive written
1035 summary of all materials, including an analysis of the anticipated impact on the community
1036 involvement, educational opportunities and financial capacity of the school districts from which
1037 the charter school is expected to enroll students and an analysis of the impact on the programs

1038 and services of the sending school district or districts including, but not limited to, impacts
1039 related to fixed variable and step variable costs, prepared by the department or its administrative
1040 subdivisions, which evaluates or recommends approval or disapproval of a charter school
1041 application shall be delivered to (i) the members of the board; (ii) the charter school applicant;
1042 (iii) the chairperson of any sending district school committee; (iv) the superintendent of any
1043 proposed sending district; and (v) the chief executive officer of any municipality in a proposed
1044 sending district. Materials prepared by the department in support of or in opposition to a charter
1045 school's application shall be provided not later than 3 days before any board vote on the charter
1046 application. In making a recommendation to the board on an application, the commissioner shall
1047 explain in writing to the board that the commissioner's decision is responsive to the district
1048 superintendent's submission. The board shall substantially consider materials submitted to the
1049 department or the board by the superintendent or school committee of each school district from
1050 which the charter school is expected to enroll students.

1051 For the purposes of this paragraph, "late arrivals" shall mean any student who either
1052 moves to or enrolls in the school district after the district's assignment process or the charter's
1053 lottery, whichever first occurs. Prior to submitting the application, a commonwealth charter
1054 school may develop, with the school districts from which it enrolls students, a memorandum of
1055 understanding relative to establishing a policy between the school districts and the
1056 commonwealth charter school related to the enrollment of late arrivals. No student shall be
1057 required to attend a commonwealth charter school unless the student or the student's parent or
1058 guardian accepts the offer of enrollment. The memorandum of understanding shall be subject to
1059 the approval of the department. The board of elementary and secondary education shall give
1060 preference to applications that include such a memorandum of understanding and the department

1061 shall promulgate regulations to articulate the measure by which that preference shall be enacted.
1062 Late arrivals shall not count toward the school district's net school spending cap in the first year
1063 attending a commonwealth charter school but shall count in all subsequent years that the student
1064 remains in the charter school.

1065 SECTION 64. The first paragraph of paragraph (1) of subsection (i) of section 89 of
1066 chapter 71, as so appearing, is hereby amended by adding the following sentence:- When making
1067 a decision on an application, the board shall explain in writing how the decision takes into
1068 account the district superintendent's submission under subsection (h) regarding how the school's
1069 approval is expected to impact the district's students.

1070 SECTION 65. Said paragraph (1) of said subsection (i) of said section 89 of said chapter
1071 71 is hereby further amended by striking out the last paragraph and inserting in place thereof the
1072 following 3 paragraphs:-

1073 Applications to establish a commonwealth charter school shall be submitted to the board
1074 annually by November 15. The board shall review the applications and grant new commonwealth
1075 charters in February of the following year. Applications to establish a Horace Mann charter
1076 school may be submitted to the board and granted by the board at any time.

1077 Notwithstanding any general or special law to the contrary, every commonwealth charter
1078 school application shall be subject to the local approval of every school district expected to
1079 enroll students. Approval of a commonwealth charter school application that has not received
1080 local approval shall require an affirmative vote of a majority of the members of the board. If the
1081 board approves an application it shall notify the school districts that expect to enroll students of
1082 the approval.

1083 Approval of an application by the board without local approval shall be funded by the
1084 commonwealth; provided, however, that in a school district in which a commonwealth charter
1085 school application is approved by the board without local approval, the school district shall not
1086 be eligible for district impact mitigation funding under subsection (gg) for the approved
1087 commonwealth charter school and the total number of students enrolled in the approved
1088 commonwealth charter school shall not be included in the school district's foundation budget as
1089 calculated under chapter 70

1090 SECTION 66. Said section 89 of said chapter 71, as so appearing, is hereby further
1091 amended by inserting after the figure "(3)", in line 191, the following words:- ; provided,
1092 however, that a school district's total charter school tuition payment to commonwealth charter
1093 schools may exceed 18 per cent according to subsections (mm) and (nn).

1094 SECTION 67. Said paragraph (2) of subsection (i) of said section 89 of said chapter 71,
1095 as so appearing, is hereby further amended by striking out the third paragraph.

1096 SECTION 68. Said subsection (i) of said section 89 of said chapter 71, as so appearing, is
1097 hereby amended by inserting after paragraph (2) the following 2 paragraphs:-

1098 (2½) Horace Mann charter schools and innovation schools, as defined in section 92 shall
1099 not be counted towards a school district's net school spending cap; provided, however, that a
1100 school committee may exercise the option of including as part of the district's net school
1101 spending for all subsequent fiscal years: (i) all district Horace Mann charter schools; (ii) all
1102 innovation schools, as defined in said section 92; or (iii) both district Horace Mann charter
1103 schools and innovation schools but, in school districts in which the school committee is an
1104 appointed body, the school committee's appointing authority shall exercise the option. The

1105 option shall be communicated in writing to the board by July 1. If a school committee, or the
1106 school committee's appointing authority in school districts where the school committee is an
1107 appointed body, opts to include Horace Mann charter schools, innovations schools or both
1108 towards the school district's net school spending, the option shall not be revoked. Upon
1109 acceptance of the option, the schools included under clauses (i), (ii) or (iii) then currently
1110 operating and any schools of that type to be opened in that school district after the board is
1111 notified, shall be counted toward the school district's net school spending cap thereafter. If the
1112 school committee, or the school committee's appointing authority in school districts where the
1113 school committee is an appointed body, opts to include either Horace Mann charter schools or
1114 innovation schools, but not both, the school committee may at a later date exercise the option
1115 under clause (iii). Horace Mann charter schools and innovation schools may be approved in
1116 excess of any school district's net school spending cap. The department shall promulgate
1117 regulations to determine the method for counting per pupil spending in Horace Mann charter
1118 schools and innovation schools toward the net school spending cap.

1119 (2³/₄) Charter schools with the primary purpose to establish alternative education
1120 programs under clause (iii) of paragraph (5) shall not count toward a school district's net school
1121 spending cap or towards the number of charter schools under paragraph (1) and may be granted
1122 in excess of a district's net school spending cap in any year.

1123 SECTION 69. Paragraph (3) of subsection (i) of said section 89 of said chapter 71, as so
1124 appearing, is hereby amended by striking out the first 3 sentences, and inserting in place thereof
1125 the following sentences:-

1126 (3) In any fiscal year, if the board determines based on student performance data
1127 collected pursuant to section 1I, said district is in the lowest 10 per cent of all statewide student
1128 performance scores released in the 2 consecutive school years before the date the charter school
1129 application is submitted, the school district's total charter school tuition payment to
1130 commonwealth charter schools may exceed 9 per cent of the district's net school spending but
1131 shall not exceed 18 per cent; provided however, a school district's total charter school tuition
1132 payment to commonwealth charter schools may exceed 18 per cent according to subsections
1133 (mm) and (nn). For a district qualifying under this paragraph whose charter school tuition
1134 payments exceed 9 per cent of the school district's net school spending, the board shall only
1135 approve an application for the establishment of a commonwealth charter school if the applicant,
1136 or a provider with which an applicant proposes to contract, has a record of operating at least 1
1137 school or similar program that demonstrates organizational viability, as well as success
1138 recruiting, retaining, and educating student populations similar to those the proposed school
1139 seeks to serve which shall include students: (i) eligible for free lunch; (ii) eligible for reduced
1140 price lunch; (iii) who require special education; (iv) with limited English-proficiency or of
1141 similar language proficiency level as measured by the Massachusetts English Proficiency
1142 Assessment examination or a successor assessment approved by the board; (v) sub-proficient,
1143 which shall mean students who have scored in the "needs improvement", "warning" or "failing"
1144 categories on the mathematics or English language arts exams of the Massachusetts
1145 Comprehensive Assessment System or a successor statewide assessment system approved by the
1146 board for 2 of the past 3 years or as defined by the department using a similar measurement; (vi)
1147 who are designated as at risk of dropping out of school based on predictors determined by the
1148 department; (vii) who have dropped out of school; (viii) who are homeless; (ix) who are pregnant

1149 or parenting; or (x) otherwise considered to be at-risk students who should be targeted to
1150 eliminate achievement gaps among different groups of students.

1151 SECTION 70. Said subsection (i) of said section 89 of said chapter 71, as so appearing, is
1152 hereby further amended by adding the following paragraph:-

1153 (5) The board shall only approve an application for the establishment, renewal,
1154 amendment, or expansion of a commonwealth charter school if the school meets at least 1 of the
1155 following criteria: (i) the school enrolls students using an opt-out admissions lottery process that
1156 automatically includes the names of all eligible students, without any required application
1157 process for the school; (ii) the school enrolls students through participation in the assignment
1158 system of the district in which the school is located; provided, however, that the charter school
1159 enrolls only students from that district; provided further that a regional commonwealth charter
1160 school may participate in at least one of the district assignment systems of those districts whose
1161 students are eligible to attend the commonwealth charter school; provided further that a
1162 commonwealth charter school may not displace a district school as 1 of a student's quality
1163 options under any quality access guarantee that the district offers through its assignment system
1164 but may augment the district schools in a student's choice options; and, provided further that a
1165 student shall not be required to attend a commonwealth charter school; and, provided further that
1166 within the walk zone for the school, as calculated by the district's preexisting student assignment
1167 system, the percentage of students who qualify for the free or reduced price lunch program, or a
1168 successor measure as adopted by the department, is equal to or higher than the district's overall
1169 percentage of students who qualify for the program or (iii) the school's primary purpose is to
1170 establish alternative education programs designed to serve at-risk students, students who have
1171 dropped out of school, students who are homeless, or students who are pregnant or parenting and

1172 not less than 75 per cent of students enrolled at the school shall qualify as at-risk students,
1173 students who are homeless, students who are pregnant or parenting, or students who have
1174 dropped out of school. The department shall promulgate regulations for the administration of this
1175 section.

1176 Charter schools that have previously been granted a charter under this section before July
1177 1, 2016 that apply for an expansion under clauses (i), (ii), or (iii) of this subsection shall
1178 demonstrate the ability to meet the criteria set forth in said clauses through a phased-in process
1179 established by the board. An existing Horace Mann or commonwealth charter school, which
1180 meets the criteria for expansion under clauses (i) or (ii) and is approved for new seats in a higher
1181 grade than the school currently serves, may assign students already enrolled in the school to
1182 those new seats; provided, however, that the charter school shall fill all other open seats,
1183 including seats that open up in lower grades at the beginning of the school year and in any grade
1184 during the school year, through the process in clauses (i) or (ii), whichever governs its expansion.
1185 Nothing in this section shall prevent the board from approving other Horace Mann or
1186 commonwealth charter school applications that meet the criteria in clauses (i), (ii), or (iii) of this
1187 subsection in districts where the net school spending cap has not been reached.

1188 SECTION 71. Said section 89 of said chapter 71, as so appearing, is hereby amended by
1189 inserting after the word “schools”, in line 328, the following words:-:- provided, further, that
1190 contracts and leases for the procurement of services, equipment and supplies, including, but not
1191 limited to, contracts for the management or operation of the school, shall be publicly available on
1192 the charter school’s website; and provided, further, that executed contracts for the management
1193 or operation of a charter school shall be made publicly available on the charter school’s website

1194 not later than 10 days after the contract is executed; provided further, that the powers granted in
1195 this section shall be subject to chapter 30B;

1196 SECTION 72. Subsection (k) of said section 89 of said chapter 71, as so appearing, is
1197 hereby amended by striking out clause (7), and inserting in place thereof the following clause:-

1198 (7) enter into partnerships and solicit and accept grants or gifts for school purposes;
1199 provided, however, that a list of the partnerships, grants and gifts shall be publicly available on
1200 the charter school's website.

1201 SECTION 73. Subsection (l) of said section 89 of said chapter 71, as so appearing, is
1202 hereby amended by adding the following sentence:- No entity that serves as an educational
1203 management organization or charter management organization shall exercise a proprietary claim
1204 over any procedure, policy, curriculum or other measure implemented at a charter school in the
1205 course of a contract to manage or operate a school.

1206 SECTION 74. Subsection (m) of section 89 of chapter 71, as so appearing, is hereby
1207 amended by striking out the last sentence and replacing with the following 2 sentences:-

1208 There shall be no tuition charge or fee for students attending and receiving educational
1209 services at charter schools. Charter schools shall not require parents or guardians of students
1210 attending those schools to sign any contract in order for the students to attend or receive
1211 educational services at charter schools.

1212 SECTION 75. Said subsection (m) of said section 89 of said chapter 71, as so appearing,
1213 is hereby further amended by adding the following 4 paragraphs:-

1214 For a charter school qualifying under clause (i) of paragraph (5) of subsection (i), all
1215 students eligible to attend the school under the district's assignment policy, if it were a district
1216 school, shall be deemed eligible for enrollment in the charter school without any application
1217 process required for admission to the school. The charter school shall conduct an admissions
1218 lottery, including the names of all eligible students, to fill all of the spaces in the school;
1219 provided, that the lottery shall be based upon a list of eligible students provided by the district at
1220 a date determined by the department. In the event that the parents or guardians of a student who
1221 is randomly selected for admission to the charter school through the lottery determine not to
1222 enroll the student in the charter school, then the charter school shall fill that enrollment space
1223 with a student from the waitlist maintained pursuant to this subsection. Parents or guardians of a
1224 student may make a written request to the school district that the student's name not be included
1225 in the enrollment lottery.

1226 Each charter school qualifying under clause (i) of paragraph (5) of subsection (i) shall
1227 conduct an opt-out lottery at least once during the academic year. Through the lottery, the charter
1228 school shall randomly select a number of students equal to the number of anticipated enrollment
1229 spaces and shall randomly select a number of additional students to be placed on a waitlist. The
1230 charter school operator, who shall maintain the waitlist, shall determine the number of students
1231 randomly selected for the waitlist in order to fill any open enrollment spaces that become
1232 available throughout the year. A charter school may conduct additional opt-out lottery draws
1233 during an academic year if the school determines that its waitlist will be exhausted prior to the
1234 fulfillment of all midyear enrollment spaces. An additional opt-out lottery shall place any
1235 students not immediately placed in an open enrollment space on the waitlist. If a student
1236 randomly selected through an opt-out lottery remains on a waitlist at the close of the academic

1237 year in which the student was randomly selected, the student shall have the option to receive
1238 preference in placement for the next available enrollment space in the next highest grade level,
1239 unless the next highest grade level is not offered by the charter school, prior to the expiration of
1240 the waitlist on July 1.

1241 Notwithstanding subsection (n), charter schools qualifying under clause (i) of paragraph
1242 (5) of subsection (i) shall have a rolling enrollment policy in which the school shall fill vacant
1243 seats throughout the school year for all grade levels offered by the school. Those charter schools
1244 shall also adhere to the same quality measures, at a minimum, used by the district to the extent
1245 that such measures are necessary under subsection (i).

1246 Subject to approval by the board, charter schools located within the same municipality
1247 may voluntarily establish a common lottery, which may provide student applicants with a single
1248 offer for admission.

1249 SECTION 76. Subsection (n) of said section 89 of said chapter 71, as so appearing, is
1250 hereby amended by inserting after the second paragraph the following 7 paragraphs:-

1251 Charter schools qualifying under clause (iii) of paragraph (5) of subsection (i) may offer
1252 enrollment preferences to at-risk students, students who are homeless, students who are pregnant
1253 or parenting or students who have dropped out of school. In charter schools that offer such
1254 enrollment preferences, priority for enrollment shall be given first to at-risk students, students
1255 who are homeless, students who are pregnant or parenting, or students who have dropped out of
1256 school and second to other students who reside within the city or town in which the charter
1257 school is located but are not at-risk students, students who are homeless, students who are
1258 pregnant or parenting or students who have dropped out of school. Notwithstanding any general

1259 or special law to the contrary, a charter school qualifying under said clause (iii) of said paragraph
1260 (5) of said subsection (i) may limit admissions to students who qualify as at-risk students,
1261 students who are homeless, students who are pregnant or parenting, students who have dropped
1262 out of school, or a combination thereof.

1263 Subject to approval by the board, school districts or municipalities that rent classroom
1264 space to commonwealth charter schools under lease agreements with terms of at least 10 years
1265 may require such schools to offer enrollment preferences to students who reside in a specific
1266 geographical area in which such school buildings are located as a condition of the lease
1267 agreements; provided, however, that within this geographical preference area, the percentage of
1268 students who qualify for the free or reduced price lunch program, or a successor measure as
1269 determined by the department, shall be equal to or greater than the district's overall percentage of
1270 students who qualify for the program.

1271 Notwithstanding the enrollment preferences in this subsection, a commonwealth or
1272 Horace Mann charter school may limit enrollment geographically or add a geographic enrollment
1273 preference by: (i) using the assignment system of the city in which it is located; provided,
1274 however, that within the walk zone for a Horace Mann school, as calculated by the city's
1275 preexisting student assignment system, the percentage of students who qualify for the free or
1276 reduced price lunch program, or a successor measure as determined by the department, shall be
1277 equal to or greater than the district's overall percentage of students who qualify for the program;
1278 or (ii) offering enrollment preferences to students who reside in a specific geographical area in
1279 which the school building is located; provided, however, that within this geographical preference
1280 area, the percentage of students who qualify for the free or reduced price lunch program, or a

1281 successor measure as determined by the department, shall be equal to or greater than the
1282 district's overall percentage of students who qualify for the program.

1283 In order to institute a geographical enrollment limitation or preference, the original
1284 charter of the charter school or an amendment to the charter shall permit such an enrollment
1285 limitation or preference. An amendment to the charter of a Horace Mann charter school to add
1286 such an enrollment limitation or preference shall require only the approval of the local school
1287 committee, the board of trustees of the Horace Mann charter school, and the commissioner.

1288 In addition to providing the information pursuant to subsection (e), any charter school
1289 that offers geographical enrollment preferences shall include in its application for approval: (i) a
1290 definition of the geographical area for which it shall offer an enrollment preference; (ii) an
1291 explanation of how this preference shall support the mission of the charter school and the
1292 academic performance of its students; (iii) evidence that within this geographical area or walk
1293 zone there resides an equal or higher percentage of low-income students, as measured by
1294 qualification for the free or reduced price lunch program, or a successor measure as approved by
1295 the department, as compared to the district as a whole; and (iv) an explanation of how the charter
1296 school shall target its recruitment and retention efforts for students within this geographical area.
1297 When a charter school that chooses to offer a geographical preference seeks charter renewal and
1298 intends to continue applying the geographical preference, the board shall consider whether the
1299 preference area continues to support the mission of the charter school and the academic
1300 performance of its students, and whether the preference area continues to serve an adequate
1301 percentage of low-income students to qualify as a geographical preference area under this
1302 subsection.

1303 If a commonwealth charter school offers geographical enrollment preferences, students
1304 who reside within the geographical preference area shall have priority for enrollment in any open
1305 seats over students who reside in the city or town in which the charter school is located but
1306 outside of the geographical preference area. If a Horace Mann charter schools offers
1307 geographical enrollment preferences, priority for enrollment shall be given in the following
1308 order: (i) to students actually enrolled in the school on the date the application is filed with the
1309 board and their siblings; (2) to students who reside within the geographical preference area and
1310 are enrolled in the public schools of the district where the Horace Mann charter school is to be
1311 located; (3) to other students who reside within the geographical preference area; (4)to other
1312 students enrolled in the public schools of the district where the Horace Mann charter school is to
1313 be located but who reside outside of the geographical preference area; and (5) to other students
1314 who reside outside of the geographical preference area but within the city or town in which the
1315 charter school is located.

1316 A charter school may give preference in their enrollment policies to children of full-time
1317 employees; provided, however, that said children shall be counted toward the charter school net
1318 school spending cap.

1319 SECTION 77. Said subsection (n) of said section 89 of said chapter 71, as so appearing,
1320 is hereby further amended by striking out the fifth and sixth paragraphs and inserting in place
1321 thereof the following 2 paragraphs:-

1322 When a student stops attending a charter school for any reason, the charter school shall
1323 fill the vacancy with the next available student on the waitlist for the grade in which the vacancy
1324 occurs and shall continue through the waitlist until a student fills the vacant seat. If there is no

1325 waitlist, a charter school shall publicize an open seat to the students of the sending district or
1326 districts and make attempts to fill said vacant seat. The charter school shall send the name of the
1327 student filling such vacancy to the department for the purposes of the department updating its
1328 waitlist as part of its monthly update.

1329 On a monthly basis, a charter school shall provide to the department: (i) the number of
1330 students placed on a waitlist, broken down by grade level; (ii) the number of students who
1331 enrolled in an open seat in the charter school and are no longer on the waitlist, broken down by
1332 grade level; (iii) the number of students who requested to be removed from the waitlist, broken
1333 down by grade level; and (iv) other information the department deems necessary, including but
1334 not limited to student names, home addresses, telephone numbers and grade levels. The
1335 department shall maintain a consolidated waitlist for each municipality in order to determine the
1336 number of individual students in each municipality currently placed on a charter school waitlist.
1337 The consolidated waitlist for each municipality shall be in effect until the expiration of the
1338 waitlist on July 1. The department shall maintain separate consolidated waitlists for each
1339 municipality broken down by commonwealth charter schools and Horace Mann charter schools
1340 for each municipality, 1 for commonwealth charter schools and 1 for Horace Mann charter
1341 schools. The department shall make the consolidated waitlists for each municipality, without any
1342 identifying student information, available on its website and update the consolidated waitlists not
1343 less than monthly.

1344 SECTION 78. Subsection (p) of said section 89 of said chapter 71, as so appearing, is
1345 hereby further amended by striking out, in lines 444 to 445, the words “and 37H^{1/2}” and inserting
1346 in place thereof the following words:- , 37H^{1/2} and 37H^{3/4}. School policies pertaining to the

1347 conduct of students and consequences for violations of said policies, including, but not limited
1348 to, the criteria for expulsion, shall be made publicly available on the charter school's website.

1349 SECTION 79. Subsection (q) of said section 89 of said chapter 71, as so appearing, is
1350 hereby amended by inserting, after the word "school", in line 452, the following words:-;
1351 provided, further, that the construction, reconstruction or improvement of a building under
1352 contract for use by a charter school shall comply with section 7A and sections 26, 27, 27G and
1353 44A to 44M, inclusive, of chapter 149.

1354 SECTION 80. Subsection (r) of said section 89 of said chapter 71, as so appearing, is
1355 hereby amended by adding the following paragraph:-

1356 The department shall establish an exchange program to promote the sharing of best
1357 practices and innovations between teachers and administrators employed by charter schools and
1358 teachers and administrators employed by district schools. The department shall recruit teachers
1359 and administrators to participate in the exchange program from charter schools and district
1360 schools that the department has identified as exemplars of excellence in achievement, instruction
1361 or innovation. The department shall administer the exchange program by facilitating a
1362 comparable temporary exchange of a teacher or administrator employed by a charter school with
1363 a teacher or administrator employed by a district school for a full school year. A participant in
1364 the exchange program shall abide by the school policies of the school to which the participant
1365 has been assigned for the school year; provided, however, that the participant shall continue to
1366 receive a salary and benefits from the participant's employer of record. Annually, the
1367 department shall convene the teachers and administrators who participated in the exchange
1368 program during the past year to discuss best practices and innovations.

1369 SECTION 81. Subsection (u) of said section 89 of said chapter 71, as so appearing, is
1370 hereby amended by striking out, in line 492, the words “chapter 268A” and inserting in place
1371 thereof the following words:- chapters 30A, 66 and 268A.

1372 SECTION 82. The first paragraph of said subsection (u) of said section 89 of said
1373 chapter 71, as so appearing, is hereby amended by inserting after the first sentence, the following
1374 sentence:- No member of a board of trustees of a charter school or a member’s immediate
1375 family, as defined by section 1 of chapter 268A, shall be (i) employed by or have a financial
1376 interest in a non-profit business or corporate entity authorized to operate a charter school; or (ii)
1377 employed by or receive compensation from the department, board or other agency responsible
1378 for the authorization or regulation of charter schools; provided, however, that a teacher
1379 designated under subsection (c) to serve on the board of trustees shall be compensated consistent
1380 with the terms of the teacher’s employment.

1381 SECTION 83. Said subsection (u) of said section 89 of said chapter 71, as so appearing,
1382 is hereby further amended by adding the following paragraph:-

1383 The minutes of the meetings of the board of trustees of a charter school shall be
1384 considered public records, as defined by clause twenty-sixth of section 7 of chapter 4. The board
1385 of trustees of a charter school shall make the minutes of all meetings publicly available on the
1386 charter school’s website.

1387 SECTION 84. Subsection (v) of said section 89 of said chapter 71, as so appearing, is
1388 hereby amended by adding the following paragraph:

1389 A charter school shall establish evaluation systems and performance standards for the
1390 evaluation of teachers. The evaluation systems and performance standards shall comply with the

1391 principles of evaluation established by the board, comply with section 1I of chapter 69 or be
1392 approved by the commissioner.

1393 SECTION 85. The last paragraph of subsection (y) of said section 89 of said chapter 71
1394 of the General Laws, as so appearing, is hereby amended by adding the following sentence:-
1395 Teachers employed by a charter school who are represented by an employee organization shall
1396 accrue seniority and shall receive compensation not less than equal to the salary established in
1397 the contract of the local collective bargaining unit where the charter school is located.

1398 SECTION 86. Said section 89 of said chapter 71, as so appearing, is hereby amended by
1399 striking out subsection (cc) and inserting in place thereof the following subsection:-

1400 (cc) (1) The students who reside in a school district in which a charter school is
1401 located shall be provided transportation to the charter school by the resident school district on
1402 similar terms and conditions as transportation is provided to students attending local district
1403 schools. The school district shall be responsible for the cost of the transportation unless the
1404 school district and the charter school do not reach agreement on the start time of the charter
1405 school's day, then the school district shall be responsible for 50 per cent of the charter school's
1406 transportation costs; provided further, that the school district shall only be responsible for
1407 transportation costs on days that both the school district and charter school is in session.

1408 (2) If a charter school provides transportation for its students through an
1409 independent transportation vendor that does not qualify for reimbursement under paragraph (1),
1410 the school district shall not be responsible for any transportation costs incurred by the charter
1411 school.

1412 (3) If a school district limits transportation for district school students, the charter
1413 school's transportation shall be subject to the same limitations, which may include, but not be
1414 limited to, travel distance limits, mode of transportation, attendance zones, geographic
1415 subdivisions of the district, and limits included in a district's school assignment or transportation
1416 policies; provided, however, that, if a school district provides transportation throughout the
1417 school district without geographic limitation for local district schools focused on specialized
1418 programs, including, but not limited to, (i) language specialties; (ii) arts; (iii) special education;
1419 (iv) vocational technical education; (v) students at-risk of dropping out of school or who have
1420 dropped out of school; (vi) and science, technology, engineering and math, the school district
1421 shall provide the same transportation to charter schools that provide specialized programs;
1422 provided further, that a college preparatory programs shall not be considered a specialized
1423 program for the purposes of this paragraph.

1424 (4) School districts may provide for public transportation to charter schools for
1425 students who may, under district policy, receive traditional bus transportation.

1426 (5) Annually, but not later than July 1, school districts shall report to the
1427 department on the average number of field trips that they offered per grade per year over the
1428 prior 3 academic years. The school district shall be responsible in the next academic year for the
1429 cost of transportation of students in each grade in a charter school up to that school district
1430 grade's average of the prior 3 years, subject to the conditions of paragraph (1) of this subsection
1431 relative to start time. For field trips beyond the 3 year average in any grade, the charter school
1432 shall be responsible for the full cost of transportation.

1433 (6) A charter school and the sending district shall meet to plan bus routes and
1434 charter school starting and ending times in order to assist the district with cost effective means of
1435 transportation. Schools operating under a charter granted after January 1, 1997, and all charter
1436 schools operating during fiscal year 1999 and thereafter, shall not receive funds for
1437 transportation above the amount actually required by such charter school for the provision of
1438 transportation services to eligible students. If the sending district provides an alternative method
1439 of transportation for students enrolled in the sending district's public schools, it shall not be
1440 assessed for transportation costs which exceed the per pupil cost of said alternative. Costs for
1441 transportation shall be included only if transportation is provided for students in the same
1442 program and grade level as those in the charter school. Students who do not reside in the district
1443 in which the charter school is located shall be eligible for transportation in accordance with
1444 section 12B of chapter 76. A regional charter school as designated by the board, and whose
1445 charter provides for transportation of all students from charter municipalities shall also be
1446 reimbursed by the commonwealth under section 16C of chapter 71 for transportation provided to
1447 pupils residing outside the municipality where the charter school is located, but no
1448 reimbursement for transportation between the charter school and home shall be made on account
1449 of any pupil who resides less than 1.5 miles from the charter school, measured by a commonly
1450 traveled route. If a charter school provides its own transportation, the school shall coordinate and
1451 collaborate with the sending district to provide cost effective means of transportation. All such
1452 transportation shall be determined in advance of the approval of the district's final budget for a
1453 fiscal year; provided, however, that a commonwealth charter school shall be required to
1454 determine such transportation in the first year of its operation as soon as practicable.

1455 SECTION 87. Said section 89 of said chapter 71, as so appearing, is hereby further
1456 amended by inserting after the word “students”, in line 641, the following words:- ; provided,
1457 however, that a commonwealth charter school shall not be renewed if: (i) the average 3 year
1458 student attrition rate of the charter school is greater than the sending district’s average 3 year
1459 student attrition rate in the same grades served by the charter school; (ii) the average 3 year
1460 student stability rate of the charter school is less than the sending district’s average 3 year student
1461 stability rate in the same grades served by the charter school; (iii) the average 3 year student
1462 attrition rate within any particular subgroup identified by the board including, but not limited to,
1463 race, ethnicity, gender, special education, and English language learner status, is greater than the
1464 sending district’s average 3 year student attrition rate within that subgroup; or (iv) the average 3
1465 year student stability rate within any particular subgroup identified by the board including, but
1466 not limited to, race, ethnicity, gender, special education, and English language learner status, is
1467 less than the sending district’s average 3 year student stability rate within that subgroup;
1468 provided, further, that the board may grant to a charter school otherwise disqualified under
1469 clauses (i) through (iv) a waiver if it certifies that the gap relative to the disqualifying clause is de
1470 minimus and that the charter school has made a rigorous effort to retain all students. At least
1471 annually, the department shall make available to each charter school the student attrition data and
1472 student stability data for each of the charter school’s sending districts. This paragraph shall not
1473 apply to alternative education charters as defined under clause (iii) of paragraph (5) of subsection
1474 (i).

1475 SECTION 88. Subsection (dd) of said section 89 of said chapter 71, as so appearing, is
1476 hereby amended by adding the following 2 paragraphs:-

1477 When deciding on a charter renewal, the board shall also consider: (i) a charter school's
1478 discipline policies; (ii) whether the charter school has met its obligations under sections 37H,
1479 37H1/2 and 37H3/4 of this chapter; and (iii) the prevalence of the use of out of school
1480 suspensions by the charter school. At least annually, the department shall make available to each
1481 charter school the out of school suspension data for each of the charter school's sending districts.

1482 A commonwealth charter shall not be renewed if: (i) the average 3 year overall rate of out
1483 of school suspensions of the charter school is greater than the sending district's average 3 year
1484 overall rate of out of school suspensions in the same grades served by the charter school;
1485 provided further, that if the charter school's average 3 year overall rate is higher than the sending
1486 district's, the board may grant a 2 year probationary period, during which time the department
1487 shall oversee and provide technical assistance to the charter school in lowering its out of school
1488 suspension rate; provided further that if the average 2 year rate of out of school suspension rate
1489 during said probationary period is greater than the sending district, the board shall not renew the
1490 charter; or (ii) the average 3 year rate of out of school suspensions within any particular
1491 subgroup identified by the board including, but not limited to, race, ethnicity, gender, special
1492 education status, and English language learner status, is greater than the sending district's
1493 average 3 year rate of out of school suspensions within that subgroup; provided further, that the
1494 board may grant a charter school a waiver relative to a particular subgroup if it certifies that the
1495 gap in that subgroup is de minimus and that the school has made a rigorous effort to avoid out of
1496 school suspensions for all students and subgroups; provided further that if the charter school's
1497 average 3 year rate of out of school suspensions is higher than the sending district's for any
1498 particular subgroup whose gap the board has not certified as de minimus, the board may grant a 2
1499 year probationary period, during which time the department shall oversee and provide technical

1500 assistance to the charter school in lowering its out of school suspension rate; provided further,
1501 that if the average 2 year rate of out of school suspension for any subgroup identified by the
1502 board during said probationary period is greater than the sending district's, the board shall not
1503 renew the charter. This paragraph shall not apply to alternative education charters as defined
1504 under clause (iii) of paragraph (5) of subsection (i).

1505 SECTION 89. Said section 89 of said chapter 71 , as so appearing, is hereby amended by
1506 striking out subsection (gg) and inserting in place thereof the following 2 subsections:-

1507 (gg) Subject to appropriation, any district whose total charter school tuition amount is
1508 greater than its total charter school tuition amount for the previous year shall be supplied with
1509 district impact mitigation funding by the commonwealth in accordance with this subsection;
1510 provided, however, that no funds for the district impact mitigation shall be deducted from funds
1511 distributed pursuant to chapter 70. The district impact mitigation amount shall be equal to 100
1512 per cent of the increase in the year in which the increase occurs, 50 per cent in the second year
1513 and 25 per cent in the third year.

1514 (gg^{1/2}) Subject to appropriation, the department shall provide small district equity aid
1515 funding to a school district with not more than 1,000 students that sends at least 1 student to a
1516 charter school. The sending district shall receive not more than \$1,000 per child attending a
1517 charter school each year the child attends a charter school.

1518 SECTION 90. Said section 89 of said chapter 71, as so appearing, is hereby further
1519 amended by striking out, in lines 776 to 778, inclusive, the words "unless the teacher has
1520 successfully passed the state teacher test as required in said section 38G".

1521 SECTION 91. Subsection (jj) of said section 89 of said chapter 71, as so appearing, is
1522 hereby amended by striking out the first 2 paragraphs and inserting in place thereof the following
1523 2 paragraphs:-

1524 Annually, not later than August 1, each charter school shall submit an annual report to the
1525 board, to the local school committee and to each parent or guardian of its enrolled students. The
1526 annual report shall also be made publicly available on the charter school's website. The annual
1527 report shall be in such form as may be prescribed by the board and shall include, but not be
1528 limited to: (i) a discussion of progress made toward the achievement of the goals set forth in the
1529 charter; (ii) a financial statement setting forth by appropriate categories the revenue and
1530 expenditures for the year just ended and a balance sheet setting forth the charter school's assets,
1531 liabilities and fund balances or equities; and (iii) the charter school's capital plan and the amount
1532 and sources of public and private funds committed to the capital plan, including the capital needs
1533 component of the charter school's tuition.

1534 The department shall promulgate regulations to establish a reporting requirement for a
1535 charter school's net asset balance at the end of the fiscal year; provided, however, that the
1536 regulations shall require at least, but not limited to, the following: (i) the revenue and
1537 expenditures for the year just ended with a specific accounting of the uses and sources of public
1538 and private funds; (ii) a specific accounting of the uses of the capital needs component of the
1539 charter school's tuition; (iii) compensation and benefits for teachers, staff, administrators,
1540 executives, and the members of the board of trustees; (iv) the amount of any funds transferred to
1541 a management company; (v) the sources of any surplus funds, specifically whether they are
1542 private or public; (vi) how any surplus funds were used in the previous fiscal year; (vii) the
1543 planned use of any surplus funds in the upcoming fiscal year and in future fiscal years beyond

1544 those uses already noted in the capital plan; and (viii) tax credits received during the previous
1545 fiscal year. The information included in a charter school's net asset balance as required by the
1546 department shall be publicly available on the charter school's website.

1547 SECTION 92. Subsection (kk) of said section 89 of said chapter 71, as so appearing, is
1548 hereby amended by striking out the last sentence and inserting in place thereof the following 6
1549 sentences:- Pursuant to the regulations promulgated by the board, the commissioner shall,
1550 pursuant to regulations promulgated by the board, collect attrition and stability data, including,
1551 but not limited to, the number of students leaving each charter school and the reasons for leaving.
1552 Data shall include attrition and stability outcomes within demographic subgroups including, but
1553 not limited to, race, ethnicity, gender, special education status, and English language learner
1554 status. The regulations shall include a means by which all public schools shall, upon the
1555 enrollment of a student that previously attended another school in the commonwealth, record the
1556 reason the student left the previous school. The data shall be collected in a way that allows for
1557 aggregation and comparison of data. The data shall be made available on the department's
1558 website in a machine readable format. Annually, not later than December 1, the commissioner
1559 shall make the data publicly available online in human and machine readable formats, annually
1560 on or before December 1, and shall file the data annually with the clerks of the senate and house
1561 of representatives and senate and the joint committee on education not later than December 1.

1562 SECTION 93. Said section 89 of said chapter 71, as so appearing, is hereby further
1563 amended by striking out subsection (mm) and inserting in place thereof the following 3
1564 subsections:-

1565 (mm) (1) Notwithstanding any general or special law to the contrary, beginning in fiscal
1566 year 2019 to fiscal year 2025, inclusive, for school districts qualifying under paragraph (3) of
1567 subsection (i) the net school spending cap shall increase by 0.5 per cent per fiscal year in which
1568 the general appropriation act meets the implementation schedule under section 5B½ of chapter
1569 29. The net school spending cap shall not increase by more than 0.5 per cent in a fiscal year.

1570 (2) In any fiscal year in which the general appropriation act does not fully meet
1571 the implementation schedule for that fiscal year, the net school spending cap for school districts
1572 qualifying under paragraph (3) of subsection (i) shall increase by an amount equal to 0.5 per cent
1573 multiplied by the amount appropriated in the general appropriation act divided by the amount
1574 included in the implementation schedule for that fiscal year under said section 5B½ of said
1575 chapter 29; provided, however, that the net school spending cap shall not increase by more than
1576 0.5 per cent in any fiscal year. If an amendment to the implementation schedule is made in any
1577 fiscal year that reduces the number of years to fully fund the implementation schedule prior to
1578 fiscal year 2025 and the commonwealth appropriates the amount according to the schedule, a
1579 school district's net school spending toward charter school tuition payments shall increase
1580 according to subsection (nn).

1581 (nn) Notwithstanding any general or special law to the contrary, beginning in fiscal year
1582 2026, or sooner as provided in paragraph (2) of subsection (mm), and every fiscal year thereafter,
1583 for school districts qualifying under paragraph (3) of subsection (i), the net school spending cap
1584 shall increase by 0.5 per cent per fiscal year in which the general appropriation act for the
1585 previous fiscal year fully funds and all eligible districts fully receive the district impact
1586 mitigation under subsection (gg); provided however, a the net school spending cap shall not

1587 exceed 23 per cent. For the purposes of this subsection, full funding of district impact mitigation
1588 shall be based on the department's projections as of April 15 for that fiscal year.

1589 (oo) The board shall promulgate regulations for implementation and enforcement of this
1590 section.

1591 SECTION 93A. Subsection (mm) of section 89 of chapter 71 of the General Laws is
1592 hereby repealed.

1593 SECTION 93B. Chapter 71 of the General Laws is hereby amended by adding the
1594 following section:-

1595 Section 97. No public school shall offer money or gifts of any monetary value as an
1596 incentive for application or enrollment.

1597 SECTION 94. Notwithstanding any general or special law to the contrary, if in fiscal
1598 year 2019, upon exercising the option under paragraph (2½) of subsection (i) of section 89 of
1599 chapter 71 of the General Laws to include Horace Mann schools or innovation schools, or both,
1600 toward a district's net school spending cap, the charter school tuition payment of a school district
1601 qualifying under paragraph (3) of said subsection (i) of said section 89 of said chapter 71 is at or
1602 above 20 per cent but below 23 per cent, the school committee or, in school districts in which the
1603 school committee is an appointed body, the school committee's appointing authority, may
1604 request that the board immediately implement the increased net school spending cap as provided
1605 in subsections (mm) and (nn) of said section 89 of said chapter 71 in such a way that the district
1606 is eligible for a net school spending cap increase of up to 0.5 per cent annually until it reaches 23
1607 per cent. Commonwealth charter schools shall only be approved under this paragraph for
1608 expansions of existing commonwealth charter schools into grades not currently approved for

1609 those charter schools; provided, however, that subsections (mm) and (nn) of said section 89 of
1610 said chapter 71 shall be met in each relevant fiscal year in order for a net school spending cap to
1611 increase under this section.

1612 SECTION 95. There shall be a commission to review and report on the efficacy of
1613 charter school funding in the commonwealth. The commission shall study and report on the
1614 methods used to fund charter schools in other states and the appropriateness of the approach
1615 currently used in the commonwealth as compared to other states. The commission shall make
1616 recommendations for revising the commonwealth's approach to charter school funding as
1617 appropriate.

1618 The commission shall consist of 15 members: 2 of whom shall be appointed by the
1619 president of the senate, 1 of whom shall serve as a co-chair; 2 of whom shall be appointed by the
1620 speaker of the house of representatives, 1 of whom shall serve as a co-chair; 1 of whom shall be
1621 appointed by the minority leader of the senate; 1 of whom shall be appointed by the minority
1622 leader of the house of representatives; the secretary of education or a designee; the commissioner
1623 of elementary and secondary education or a designee; the secretary of administration and finance
1624 or a designee; a representative of the Massachusetts Association of School Committees, Inc.; a
1625 representative of the Massachusetts Association of School Superintendents, Inc.; a representative
1626 of the Massachusetts Teachers Association; a representative of the American Federation of
1627 Teachers; a representative of the Massachusetts Charter Public School Association, Inc.; and a
1628 representative of the Massachusetts Business Alliance for Education.

1629 The commission shall issue a final report and recommendations for legislation, if any, to
1630 the clerks of the senate and house of representatives not later than January 1, 2017.

1631 SECTION 96. The department of elementary and secondary education shall convene an
1632 educational task force to review the effect of school day start times for middle school and
1633 secondary school students. The task force shall consist of: the secretary of education, or a
1634 designee; the commissioner of elementary and secondary education, or a designee; the executive
1635 director of the Massachusetts Association of School Committees, or a designee; the executive
1636 director of the Massachusetts Association of School Superintendents, or a designee; the
1637 executive director of the Massachusetts Association of Secondary School Principals, or a
1638 designee; the executive director of StartSchoolLater.net, or a designee; the executive director of
1639 the Massachusetts Association of School Business Officials, or a designee; a parent of a high
1640 school student who is a member of a school council, as defined in section 59 of chapter 71 of the
1641 General Laws; and a superintendent from a district which has implemented later school day
1642 starting times.

1643 The task force shall: (i) conduct a comprehensive study, including a review of the
1644 scientific findings relative to sleep needs of adolescents, relative to the effect that middle school
1645 and secondary school start times have on the health and academic performance of students; (ii)
1646 determine the number of districts in the Commonwealth that have implemented later school day
1647 starting times for middle school and secondary schools and examine the academic performance
1648 of students, including performance on statewide tests; and (iii) identify resources and
1649 opportunities to assist districts in implementing later school day start times for middle school and
1650 secondary schools, should their findings under items (i) and (ii) suggest that later start times are
1651 beneficial to student learning.

1652 The task force shall file a report containing its findings and recommendations, including
1653 legislation necessary to carry out its recommendations, with the clerks of the senate and house of
1654 representatives by December 31, 2016.

1655 SECTION 97. Notwithstanding any general or special law to the contrary, the department
1656 of elementary and secondary education shall revise its regulations as they relate to subsection (jj)
1657 of section 89 of chapter 71 of the General Laws to accurately reflect the statutory requirements
1658 not later than January 1, 2017.

1659 SECTION 97A. Notwithstanding any general or special law to the contrary, the
1660 department of elementary and secondary education shall examine and report innovations
1661 performed by charter schools and determine any replicability for non-charter schools. In
1662 preparing the report the department shall conduct at least 1 public hearing.

1663 The report, along with any recommendations, shall be submitted to the clerks of the
1664 senate and house of representatives, the chairs of the house and senate committees on ways and
1665 means and the chairs of the joint committee on education not later than January 1, 2018.

1666 SECTION 98. The department of the state auditor shall issue a report on the first 5 years
1667 of implementation of chapter 222 of the acts of 2012. Said report shall include, but not be
1668 limited to, data relative to: (i) demographic subgroups including, but not limited to, race, gender,
1669 ethnicity, grade level, income status as defined by the department of elementary and secondary
1670 education, special education status, and English language learner status; (ii) public school
1671 districts; (iii) commonwealth charter schools; (iv) Horace Mann charter schools; and (v)
1672 innovation schools. Said report shall be filed with the civil rights division of the office of the
1673 attorney general, the clerks of the senate and house of representatives, the chairs of the joint

1674 committee on education and the house and senate committees on ways and means not later than
1675 December 31, 2019. The department of elementary and secondary education shall maintain the
1676 data required under clauses (i) to (v), inclusive, and shall provide the data to the department of
1677 the state auditor, as requested.

1678 SECTION 99. The department of elementary and secondary education, in consultation
1679 with the Massachusetts office of information technology, the department of transitional
1680 assistance, the office of Medicaid and the executive office of health and human, services shall
1681 make recommendations to update the calculation and definition for “low-income enrollment” in
1682 section 2 of chapter 70 of the General Laws. The department shall file the recommendations
1683 with the clerks of the senate and house of representatives, the senate and house chairs of the
1684 committees on ways and means, and the senate and house chairs of the joint committee on
1685 education not later than January 1, 2017. The updated calculation and definition may be
1686 implemented under chapter 70 including increments to reflect the needs of districts with high
1687 concentrations of low-income students.

1688 SECTION 99A. The commissioner of elementary and secondary education, in
1689 consultation with the state ethics commission, shall issue a report recommending changes to
1690 relevant regulations to ensure that a member of a school committee shall not: (i) be employed by
1691 a charter school; (ii) receive any monetary compensation from a charter school or proposed
1692 charter school; or (iii) be a proposed employee of a charter school on an application for a charter
1693 school. The commission shall issue the report, along with proposed draft regulations, not later
1694 than January 1, 2017 to the clerks of the senate and house of representatives, house and senate
1695 chairs of the joint committee on education, the house and senate chairs of the committees on
1696 ethics and the house and senate chairs of the committees on ways and means.

1697 SECTION 100. Members of the board of elementary and secondary education on the
1698 effective date of this act shall continue in office for the remainder of their unexpired terms.

1699 SECTION 101. Commonwealth charter schools in existence on the effective date of this
1700 act shall have 1 year from the effective date to comply with sections 56 and 57.

1701 SECTION 102. Commonwealth charter schools in existence on the effective date of this
1702 act shall demonstrate, upon filing an application for renewal or expansion, that the charter school
1703 has documented progress in attaining certification for all teachers employed by the charter
1704 school; provided, however, that all commonwealth charter schools shall reach full teacher
1705 certification by July 1, 2019.

1706 SECTION 103. Sections 3, 36 to 42, inclusive, and 93 shall take effect on January 1,
1707 2018.

1708 SECTION 103A. The last 2 paragraphs of paragraph (1) of subsection (i) of section 89 of
1709 chapter 71 of the General Laws, as inserted by section 65, shall apply to commonwealth charter
1710 schools approved after January 1, 2016 that do not have students currently enrolled.

1711 SECTION 104. The last paragraph of subsection (dd) of section 89 of chapter 71 of the
1712 General Laws, inserted by section 88 of this act, shall take effect on July 1, 2018.

1713 SECTION 105. Sections 75 and 77 shall take effect 6 months after the effective date of
1714 this act.

1715 SECTION 106. Sections 70, 76 and 84 and subsection (gg) of section 89 of chapter 71 of
1716 the General Laws, as appearing in section 89, shall take effect 1 year after the effective date of
1717 this act.

SECTION 107. Sections 4 and 93A shall take effect on July 1, 2025.