

**HOUSE . . . . . No. 245**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*James J. Dwyer*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to charter schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>1/18/2017</i>

**HOUSE . . . . . No. 245**

By Mr. Dwyer of Woburn, a petition (accompanied by bill, House, No. 245) of James J. Dwyer relative to charter schools. Education.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act relative to charter schools.

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

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

5 SECTION 2. Clause (1) of section 37H ½ of said chapter 71, as so appearing, is hereby  
6 amended by striking out the last sentence and inserting in place thereof the following sentence:-

7 The decision shall be delivered in writing to the student and to the students parents or  
8 guardian, and shall be the final decision of the city, town, regional school district or charter  
9 school with regard to the suspension.

10 SECTION 3. Clause (2) of section 37H½ of said chapter 71, as so appearing, is hereby  
11 amended by striking out the tenth sentence and inserting in place thereof the following  
12 sentence:-

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

16           SECTION 4. Said section 37H ½ of said chapter 71, as so appearing, is hereby further  
17 amended by striking out the last paragraph and inserting in place thereof the following  
18 paragraph:-

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

26           SECTION 5. Said section 37H ½ of said chapter 71, as so appearing, is hereby further  
27 amended by adding the following subsection:-

28           (3) Each commonwealth charter school shall establish a panel consisting of 3 members of  
29 the board of trustees to hear appeals of disciplinary actions taken by the charter school, 1 of  
30 whom shall be the representative of the district school committee and 2 other members who shall  
31 be appointed by the chairperson of the board of trustees. Unless otherwise provided in this  
32 section, the panel shall have the same rights and responsibilities as a superintendent in hearing  
33 appeals and issuing final decisions. A notice appealing a decision of a charter school principal or  
34 headmaster to suspend or expel a student shall be directed to the chairperson of the board of

35 trustees who shall provide the notice to the members of the panel and ensure a timely hearing  
36 and final decision. Meetings of the panel shall not be subject to the requirements of sections 18  
37 to 25 of chapter 30A.

38 SECTION 6. Section 37H<sup>3</sup>/<sub>4</sub> of said chapter 71, as so appearing, is hereby amended by  
39 striking out, in lines 2 and 3, the words in the commonwealth and inserting in place thereof the  
40 following words:- , including a district or commonwealth charter school.

41 SECTION 7. Section 37H<sup>3</sup>/<sub>4</sub> of chapter 71, as so appearing, is hereby amended by adding  
42 the following 2 subsections:-

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

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

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

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

62 Board, the board of elementary and secondary education.

63 SECTION 8. The first paragraph of subsection (c) of said section 89 of said chapter 71, as  
64 so appearing, is hereby amended by inserting after the first sentence the following 2 sentences:-

65 Each board of trustees shall consist of not fewer than 5 members and not greater than 20  
66 members, as provided for in the application and approved by the board, 1 of whom shall be a  
67 full-time teacher at the commonwealth charter school elected by teachers at the school, who shall  
68 be a voting member; 1 of whom shall be an elected or appointed member of the school  
69 committee from the sending district or a designee, who shall be a voting member and who shall  
70 be chosen by the district school committee; provided, however, that the board of trustees for a  
71 regional charter school shall include 1 school committee member from 1 of the sending districts  
72 that make up the region served by the charter school who shall be chosen jointly by the school  
73 committees of the sending districts; and 25 per cent of the total membership or 2 members,  
74 whichever is greater, shall be parents or guardians of students currently enrolled at the  
75 commonwealth charter school elected as parent-guardian representatives by parents or guardians,  
76 who shall be voting members; provided, however, that each board of trustees for a

77 commonwealth charter high school shall also include 1 member who is a student currently  
78 enrolled at the commonwealth charter high school elected by students at the school, who shall  
79 be a voting member; and provided, further, that any of the specific designations on the board of  
80 trustees may be waived where best efforts have been made but failed to identify a designee. All  
81 elections or appointments to the commonwealth charter school board of trustees shall serve for  
82 an established term of years as stated in the application to establish the commonwealth charter  
83 school, provided, however, that a person elected or appointed to fill a vacancy shall serve only  
84 for the remainder of the unexpired term; and provided, further, that members may be elected or  
85 appointed for more than 1 term.

86 SECTION 9. The second paragraph of said subsection (c) of said section 89 of said  
87 chapter 71 is hereby amended by striking out the last sentence and inserting in place thereof the  
88 following sentences:-

89 Each board of trustees shall consist of not fewer than 5 members and not greater than 20  
90 members, as provided for in the application and approved by the board, 1 of whom shall be a  
91 full-time teacher at the Horace Mann charter school elected by teachers at the school, who shall  
92 be a voting member; 1 of whom shall be an elected or appointed member of the school  
93 committee from the sending district or a designee, who shall be a voting member and who shall  
94 be chosen by the district school committee provided, however, that the board of trustees for a  
95 regional charter school shall include 1 school committee member from 1 of the sending districts  
96 that make up the region served by the charter school who shall be chosen jointly by the school  
97 committees of the sending districts; ; and 25 per cent of the total membership or 2 members,  
98 whichever is greater, shall be parents or guardians of students currently enrolled at the Horace  
99 Mann charter school elected as parent-guardian representatives by parents or guardians, who

100 shall be voting members; provided, however, that each board of trustees for a Horace Mann  
101 charter high school shall also include 1 member who is a student currently enrolled at the Horace  
102 Mann charter high school elected by students at the school, who shall be a voting member; and  
103 provided, further, that any of the specific designations on the board of trustees may be waived  
104 where best efforts have been made but failed to identify a designee. All elections or  
105 appointments to the Horace Mann charter school board of trustees shall serve for an established  
106 term of years as stated in the application to establish the Horace Mann charter school, provided,  
107 however, that a person elected or appointed to fill a vacancy shall serve only for the remainder of  
108 the unexpired term; and provided, further, that members may be elected or appointed for more  
109 than 1 term.

110 SECTION 10. Subsection (d) of said section 89 of said chapter 71, as so appearing, is  
111 hereby amended by adding the following sentence:- Notwithstanding any general or special law  
112 to the contrary, for applicants with a record of operating at least 1 charter school in the  
113 commonwealth, the board shall not accept a new or expansion application if: (i) the average 3  
114 year overall rate of out of school suspensions of the charter school is greater than the sending  
115 districts average 3 year overall rate of out of school suspensions in the same grades served by  
116 the charter school; or (ii) the average 3 year rate of out of school suspensions within any  
117 particular subgroup identified by the board including, but not limited to, race, ethnicity, gender,  
118 special education status, and English language learner status, is greater than the sending districts  
119 average 3 year rate of out of school suspensions within that subgroup in the same grades served  
120 by the charter school; provided, however, that this shall not apply to alternative education  
121 charters as defined under subsection (iii) of paragraph (5) of subsection (i) of this section; and,  
122 provided further that the board may grant a waiver to a charter school relative to a particular

123 subgroup if the board certifies that the gap in that subgroup is de minimus and that the school  
124 has made a rigorous effort to avoid out of school suspensions for all students.

125 SECTION 11. Subsection (e) of said section 89 of said chapter 71, as so appearing, is  
126 hereby amended by striking out, in line 88, the word bylaws and inserting in place thereof, the  
127 following words:- by-laws, including, but not limited to, the proposed composition of the board  
128 of trustees and term of years of service on the board of trustees.

129 SECTION 12. Said subsection (e) of said section 89 of said chapter 71, as so appearing,  
130 is hereby further amended by striking out, in line 108, the word and.

131 SECTION 13. Said section 89 of said chapter 71, as so appearing is hereby further  
132 amended by inserting after the word schools, in line 109, the following words:- ; (xvii) a  
133 summary, including the date, of the applicants meeting with the local superintendents and public  
134 hearings; (xviii) an analysis of the anticipated impact on the community involvement,  
135 educational opportunities and financial capacity of the school districts from which the charter  
136 school is expected to enroll students and (xix) an analysis of the impact on the programs and  
137 services of the sending school district or districts, including, but not limited to, impacts related to  
138 fixed, variable and step variable costs.

139 SECTION 14. Subsection (h) of said section 89 of said chapter 71, as so appearing, is  
140 hereby amended striking out the first paragraph and inserting in place thereof the following 3  
141 paragraphs:-

142 Before filing an application for the establishment of a commonwealth charter school, the  
143 applicant shall: (i) meet with the district superintendent of each school district from which the  
144 charter school is expected to enroll students to review the proposed application, including how



145 the proposed commonwealth charter school plans to complement the curriculum and instruction  
146 in the district and (ii) hold not less than 1 public hearing with the local school committee of each  
147 school district from which the charter school is expected to enroll students. Applicants that fail to  
148 meet with the school district superintendent and hold a public hearing shall be disqualified from  
149 further consideration.

150 An application submitted for the establishment of a commonwealth charter school shall:

151 (i) be submitted to the board for approval under this section; and (ii) be filed with the local  
152 school committee for each school district from which the charter school is expected to enroll  
153 students. Before final approval to establish a commonwealth charter school, the board shall hold  
154 a public hearing on the application in the school district in which the proposed charter school is  
155 to be located and solicit and review comments on the application from the local school  
156 committee of each school district from which the charter school is expected to enroll students  
157 and any contiguous districts. At least 1 member of the board shall attend the public hearing. The  
158 district superintendent may submit an analysis to the department that describes how approval of  
159 the proposed charter school may affect the districts students. A comprehensive written summary  
160 of all materials prepared by the department or its administrative subdivisions, which evaluates or  
161 recommends approval or disapproval of a charter school application shall be delivered to (i) the  
162 members of the board, (ii) the charter school applicant;

163 (iii) the chairperson of any sending district school committee; (iv) the superintendent of  
164 any proposed sending district; and (v) the chief executive officer of any municipality in a  
165 proposed sending district. Materials prepared by the department in support of or in opposition  
166 to a charter schools application shall be provided not later than 3 days before any board vote on  
167 the charter application. In making a recommendation to the board on an application, the

168 commissioner shall explain in writing to the board that the commissioners decision is responsive  
169 to the district superintendents submission and provide an assessment of the accuracy of the  
170 analysis of the impact on the programs and services of the sending school district or districts  
171 required under clause (xix) of subsection (e). The board shall substantially consider materials  
172 submitted to the department or the board by the superintendent or school committee of each  
173 school district from which the charter school is expected to enroll students.

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

188 SECTION 15. The first paragraph of paragraph (1) of subsection (i) of section 89 of  
189 chapter 71, as so appearing, is hereby amended by adding the following sentence:- When making  
190 a decision on an application, the board shall explain in writing how the decision takes into

191 account the district superintendents submission under subsection (h) regarding how the schools  
192 approval is expected to impact the districts students.

193 SECTION 16. Said paragraph (1) of subsection (i) section 89 of said chapter 71 is hereby  
194 further amended by striking out the last paragraph and inserting in place thereof the following  
195 paragraph:-

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

200 SECTION 17. Said section 89 of said chapter 71, as so appearing, is hereby further  
201 amended by inserting after the figure (3), in line 191, the following words:- ; provided,  
202 however, that a school districts total charter school tuition payment to commonwealth charter  
203 schools may exceed 18 per cent according to subsections (mm) and (nn).

204 SECTION 18. Said paragraph (2) of subsection (i) of said section 89 of said chapter 71,  
205 as so appearing, is hereby further amended by striking out the third paragraph.

206 SECTION 19. Said subsection (i) of said section 89 of said chapter 71, as so appearing, is  
207 hereby amended by inserting after paragraph (2) the following 2 paragraphs:-

208 (2½) Horace Mann charter schools and innovation schools, as defined in section 92 shall  
209 not be counted towards a school districts net school spending cap; provided, however, that a  
210 school committee may exercise the option of including as part of the districts net school  
211 spending for all subsequent fiscal years: (i) all district Horace Mann charter schools; (ii) all

212 innovation schools, as defined in said section 92; or (iii) both district Horace Mann charter  
213 schools and innovation schools but, in school districts in which the school committee is an  
214 appointed body, the school committees appointing authority shall exercise the option. The option  
215 shall be communicated in writing to the board by July 1. If a school committee, or the school  
216 committees appointing authority in school districts where the school committee is an appointed  
217 body, opts to include Horace Mann charter schools, innovations schools or both towards the  
218 school districts net school spending, the option shall not be revoked. Upon acceptance of the  
219 option, the schools included under clauses (i), (ii) or (iii) then currently operating and any  
220 schools of that type to be opened in that school district after the board is notified, shall be  
221 counted toward the school districts net school spending cap thereafter. If the school committee,  
222 or the school committees appointing authority in school districts where the school committee is  
223 an appointed body, opts to include either Horace Mann charter schools or innovation schools,  
224 but not both, the school committee may at a later date exercise the option under clause (iii).  
225 Horace Mann charter schools and innovation schools may be approved in excess of any school  
226 districts net school spending cap. The department shall promulgate regulations to determine the  
227 method for counting per pupil spending in Horace Mann charter schools and innovation schools  
228 toward the net school spending cap.

229 (2<sup>3</sup>/<sub>4</sub>) Charter schools with the primary purpose to establish alternative education  
230 programs under clause (iii) of paragraph (5) shall not count toward a school districts net  
231 school spending cap or towards the number of charter schools under paragraph (1) and may be  
232 granted in excess of a districts net school spending cap in any year.

233 SECTION 20. Paragraph (3) of subsection (i) of said section 89 of said chapter 71, as so  
234 appearing, is hereby amended by striking out the first 3 sentences, and inserting in place thereof  
235 the following sentences:-

236 (3) In any fiscal year, if the board determines based on student performance data  
237 collected pursuant to section 11I, said district is in the lowest 10 per cent of all statewide student  
238 performance scores released in the 2 consecutive school years before the date the charter school  
239 application is submitted, the school district's total charter school tuition payment to  
240 commonwealth charter schools may exceed 9 per cent of the district's net school spending but  
241 shall not exceed 18 per cent; provided however, a school districts total charter school tuition  
242 payment to commonwealth charter schools may exceed 18 per cent according to subsections  
243 (mm) and (nn). For a district qualifying under this paragraph whose charter school tuition  
244 payments exceed 9 per cent of the school district's net school spending, the board shall only  
245 approve an application for the establishment of a commonwealth charter school if the  
246 applicant, or a provider with which an applicant proposes to contract, has a record of operating  
247 at least 1 school or similar program that demonstrates organizational viability, as well as success  
248 recruiting, retaining, and educating student populations similar to those the proposed school  
249 seeks to serve which shall include students: (i) eligible for free lunch; (ii) eligible for reduced  
250 price lunch; (iii) who require special education; (iv) with limited English-proficiency or of  
251 similar language proficiency level as measured by the Massachusetts English Proficiency  
252 Assessment examination or a successor assessment approved by the board; (v) sub-proficient,  
253 which shall mean students who have scored in the "needs improvement", "warning" or "failing"  
254 categories on the mathematics or English language arts exams of the Massachusetts

255 Comprehensive Assessment System or a successor statewide assessment system approved by the  
256 board for 2 of the past 3 years or as defined by the department using a similar measurement;

257 (vi) who are designated as at risk of dropping out of school based on predictors  
258 determined by the department; (vii) who have dropped out of school; (viii) who are homeless;  
259 (ix) who are pregnant or parenting; or (x) otherwise considered to be at-risk students who  
260 should be targeted to eliminate achievement gaps among different groups of students.

261 SECTION 21. Said subsection (i) of said section 89 of said chapter 71, as so appearing, is  
262 hereby further amended by adding the following paragraph:-

263 (5) The board shall only approve an application for the establishment, renewal,  
264 amendment, or expansion of a commonwealth charter school if the school meets at least 1 of the  
265 following criteria: (i) the school enrolls students using an opt-out admissions lottery process that  
266 automatically includes the names of all eligible students, without any required application  
267 process for the school; (ii) the school enrolls students through participation in the assignment  
268 system of the district in which the school is located; provided, however, that the charter school  
269 enrolls only students from that district; provided further that a commonwealth charter school  
270 may not displace a district school as 1 of a students quality options under any quality access  
271 guarantee that the district offers through its assignment system but may augment the district  
272 schools in a students choice options; and, provided further that a student shall not be required to  
273 attend a commonwealth charter school; and, provided further that within the walk zone for the  
274 school, as calculated by the districts preexisting student assignment system, the percentage of  
275 students who qualify for the free or reduced price lunch program, or a successor measure as  
276 adopted by the department, is equal to or higher than the districts overall percentage of students

277 who qualify for the program or (iii) the schools primary purpose is to establish alternative  
278 education programs designed to serve at-risk students, students who have dropped out of school,  
279 students who are homeless, or students who are pregnant or parenting and not less than 75 per  
280 cent of students enrolled at the school shall qualify as at-risk students, students who are  
281 homeless, students who are pregnant or parenting, or students who have dropped out of school.

282 Charter schools that have previously been granted a charter under this section before July  
283 1, 2016 that apply for an expansion under clauses (i), (ii), or (iii) of this subsection shall  
284 demonstrate the ability to meet the criteria set forth in said clauses through a phased-in process  
285 established by the board. An existing Horace Mann or commonwealth charter school, which  
286 meets the criteria for expansion under clauses (i) or (ii) and is approved for new seats in a higher  
287 grade than the school currently serves, may assign students already enrolled in the school to  
288 those new seats; provided, however, that the charter school shall fill all other open seats,  
289 including seats that open up in lower grades at the beginning of the school year and in any grade  
290 during the school year, through the process in clauses (i) or (ii), whichever governs its expansion.  
291 Nothing in this section shall prevent the board from approving other Horace Mann or  
292 commonwealth charter school applications that meet the criteria in clauses (i), (ii), or (iii) of this  
293 subsection in districts where the net school spending cap has not been reached.

294 SECTION 22. Said section 89 of said chapter 71, as so appearing, is hereby amended by  
295 inserting after the word schools, in line 328, the following words:-:- provided, further, that  
296 contracts and leases for the procurement of services, equipment and supplies, including, but not  
297 limited to, contracts for the management or operation of the school, shall be publicly available  
298 on the charter schools website; and provided, further, that executed contracts for the

299 management or operation of a charter school shall be made publicly available on the charter  
300 schools website not later than 10 days after the contract is executed;

301 SECTION 23. Subsection (k) of said section 89 of said chapter 71, as so appearing, is  
302 hereby amended by striking out clause (7), and inserting in place thereof the following clause:-

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

306 SECTION 24. Subsection (l) of said section 89 of said chapter 71, as so appearing, is  
307 hereby amended by adding the following sentence:- No entity that serves as an educational  
308 management organization or charter management organization shall exercise a proprietary claim  
309 over any procedure, policy, curriculum or other measure implemented at a charter school in the  
310 course of a contract to manage or operate a school.

311 SECTION 25. Subsection (m) of section 89 of chapter 71, as so appearing, is hereby  
312 amended by striking out the last sentence and replacing with the following 2 sentences:-

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

317 SECTION 26. Said subsection (m) of said section 89 of said chapter 71, as so appearing,  
318 is hereby further amended by adding the following 4 paragraphs:-



319 For a charter school qualifying under clause (i) of paragraph (5) of subsection (i), all  
320 students eligible to attend the school under the districts assignment policy, if it were a district  
321 school, shall be deemed eligible for enrollment in the charter school without any application  
322 process required for admission to the school. The charter school shall conduct an admissions  
323 lottery, including the names of all eligible students, to fill all of the spaces in the school;  
324 provided, that the lottery shall be based upon a list of eligible students provided by the district at  
325 a date determined by the department. In the event that the parents or guardians of a student who  
326 is randomly selected for admission to the charter school through the lottery determine not to  
327 enroll the student in the charter school, then the charter school shall fill that enrollment space  
328 with a student from the waitlist maintained pursuant to this subsection. Parents or guardians of a  
329 student may make a written request to the school district that the students name not be included  
330 in the enrollment lottery.

331 Each charter school qualifying under clause (i) of paragraph (5) of subsection (i) shall  
332 conduct an opt-out lottery at least once during the academic year. Through the lottery, the charter  
333 school shall randomly select a number of students equal to the number of anticipated enrollment  
334 spaces and shall randomly select a number of additional students to be placed on a waitlist. The  
335 charter school operator, who shall maintain the waitlist, shall determine the number of students  
336 randomly selected for the waitlist in order to fill any open enrollment spaces that become  
337 available throughout the year. A charter school may conduct additional opt-out lottery draws  
338 during an academic year if the school determines that its waitlist will be exhausted prior to the  
339 fulfillment of all midyear enrollment spaces. An additional opt-out lottery shall place any  
340 students not immediately placed in an open enrollment space on the waitlist. If a student  
341 randomly selected through an opt-out lottery remains on a waitlist at the close of the academic

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

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

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

354 SECTION 27. Subsection (n) of said section 89 of said chapter 71, as so appearing, is  
355 hereby amended by inserting after the second paragraph the following 7 paragraphs:-

356 Charter schools qualifying under clause (iii) of paragraph (5) of subsection (i) may offer  
357 enrollment preferences to at-risk students, students who are homeless, students who are  
358 pregnant or parenting or students who have dropped out of school. In charter schools that offer  
359 such enrollment preferences, priority for enrollment shall be given first to at-risk students,  
360 students who are homeless, students who are pregnant or parenting, or students who have  
361 dropped out of school and second to other students who reside within the city or town in which  
362 the charter school is located but are not at-risk students, students who are homeless, students  
363 who are pregnant or parenting or students who have dropped out of school. Notwithstanding any

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

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

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

386 successor measure as determined by the department, shall be equal to or greater than the districts  
387 overall percentage of students who qualify for the program.

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

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

403 When a charter school that chooses to offer a geographical preference seeks charter  
404 renewal and intends to continue applying the geographical preference, the board shall consider  
405 whether the preference area continues to support the mission of the charter school and the  
406 academic performance of its students, and whether the preference area continues to serve an

407 adequate percentage of low-income students to qualify as a geographical preference area under  
408 this subsection.

409 If a commonwealth charter school offers geographical enrollment preferences, students  
410 who reside within the geographical preference area shall have priority for enrollment in any open  
411 seats over students who reside in the city or town in which the charter school is located but  
412 outside of the geographical preference area. If a Horace Mann charter schools offers  
413 geographical enrollment preferences, priority for enrollment shall be given in the following  
414 order: (i) to students actually enrolled in the school on the date the application is filed with the  
415 board and their siblings; (2) to students who reside within the geographical preference area and  
416 are enrolled in the public schools of the district where the Horace Mann charter school is to be  
417 located; (3) to other students who reside within the geographical preference area; (4)to other  
418 students enrolled in the public schools of the district where the Horace Mann charter school is to  
419 be located but who reside outside of the geographical preference area; and (5) to other students  
420 who reside outside of the geographical preference area but within the city or town in which the  
421 charter school is located.

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

425 SECTION 28. Said subsection (n) of said section 89 of said chapter 71, as so appearing,  
426 is hereby further amended by striking out the fifth and sixth paragraphs and inserting in place  
427 thereof the following 2 paragraphs:-

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

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

450 SECTION 29. Subsection (p) of said section 89 of said chapter 71, as so appearing, is  
451 hereby further amended by striking out, in lines 444 to 445, the words and 37H½ and  
452 inserting in place thereof the following words:- , 37H½ and 37H¾. School policies pertaining to  
453 the conduct of students and consequences for violations of said policies, including, but not  
454 limited to, the criteria for expulsion, shall be made publicly available on the charter schools  
455 website.

456 SECTION 30. Subsection (q) of said section 89 of said chapter 71, as so appearing, is  
457 hereby amended by inserting, after the word school, in line 452, the following words:-

458 ; provided, further, that the construction, reconstruction or improvement of a public  
459 building for use by a charter school shall comply with section 7A and sections 26, 27, 27G and  
460 44A to 44M, inclusive, of chapter 149.

461 SECTION 31. Subsection (r) of said section 89 of said chapter 71, as so appearing, is  
462 hereby amended by adding the following paragraph:-

463 The department shall establish an exchange program to promote the sharing of best  
464 practices and innovations between teachers and administrators employed by charter schools and  
465 teachers and administrators employed by district schools. The department shall recruit teachers  
466 and administrators to participate in the exchange program from charter schools and district  
467 schools that the department has identified as exemplars of excellence in achievement,  
468 instruction or innovation. The department shall administer the exchange program by facilitating  
469 a comparable temporary exchange of a teacher or administrator employed by a charter school  
470 with a teacher or administrator employed by a district school for a full school year. A participant  
471 in the exchange program shall abide by the school policies of the school to which the participant

472 has been assigned for the school year; provided, however, that the participant shall continue to  
473 receive a salary and benefits from the participants employer of record. Annually, the  
474 department shall convene the teachers and administrators who participated in the exchange  
475 program during the past year to discuss best practices and innovations.

476 SECTION 32. Subsection (u) of said section 89 of said chapter 71, as so appearing, is  
477 hereby amended by striking out, in line 492, the words chapter 268A and inserting in place  
478 thereof the following words:- chapters 30A, 66 and 268A.

479 SECTION 33. The first paragraph of said subsection (u) of said section 89 of said chapter  
480 71, as so appearing, is hereby amended by inserting after the first sentence, the following  
481 sentence:- No member of a board of trustees of a charter school or a members immediate family,  
482 as defined by section 1 of chapter 268A, shall be

483 (i) employed by or have a financial interest in a non-profit business or corporate  
484 entity authorized to operate a charter school; or (ii) employed by or receive compensation from  
485 the department, board or other agency responsible for the authorization or regulation of charter  
486 schools; provided, however, that a teacher designated under subsection (c) to serve on the  
487 board of trustees shall be compensated consistent with the terms of the teachers employment.

488 SECTION 34. Said subsection (u) of said section 89 of said chapter 71, as so appearing,  
489 is hereby further amended by adding the following paragraph:-

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



494 SECTION 35. Subsection (v) of said section 89 of said chapter 71, as so appearing, is  
495 hereby amended by adding the following paragraph:

496 A charter school shall establish evaluation systems and performance standards for the  
497 evaluation of teachers. The evaluation systems and performance standards shall comply with the  
498 principles of evaluation established by the board, comply with section 1I of chapter 69 or be  
499 approved by the commissioner.

500 SECTION 36. The last paragraph of subsection (y) of said section 89 of said chapter 71  
501 of the General Laws, as so appearing, is hereby amended by adding the following sentence:-  
502 Teachers employed by a charter school who are represented by an employee organization shall  
503 accrue seniority and shall receive compensation not less than equal to the salary established in  
504 the contract of the local collective bargaining unit where the charter school is located.

505 SECTION 37. Said section 89 of said chapter 71, as so appearing, is hereby amended by  
506 striking out subsection (cc) and inserting in place thereof the following subsection:-

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

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

518           (3)     If a school district limits transportation for district school students, the charter  
519 schools transportation shall be subject to the same limitations, which may include, but not be  
520 limited to, travel distance limits, mode of transportation, attendance zones, geographic  
521 subdivisions of the district, and limits included in a districts school assignment or transportation  
522 policies; provided, however, that, if a school district provides transportation throughout the  
523 school district without geographic limitation for local district schools focused on specialized  
524 programs, including, but not limited to, (i) language specialties; (ii) arts; (iii) special education;  
525 (iv) vocational technical education; (v) students at-risk of dropping out of school or who have  
526 dropped out of school; (vi) and science, technology, engineering and math, the school district  
527 shall provide the same transportation to charter schools that provide specialized programs;  
528 provided further, that a college preparatory programs shall not be considered a specialized  
529 program for the purposes of this paragraph.

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

532           (5)     Annually, but not later than July 1, school districts shall report to the department  
533 on the average number of field trips that they offered per grade per year over the prior 3  
534 academic years. The school district shall be responsible in the next academic year for the cost of  
535 transportation of students in each grade in a charter school up to that school district grades  
536 average of the prior 3 years, subject to the conditions of paragraph (1) of this subsection relative

537 to start time. For field trips beyond the 3 year average in any grade, the charter school shall be  
538 responsible for the full cost of transportation.

539 (6) A charter school and the sending district shall meet to plan bus routes and charter  
540 school starting and ending times in order to assist the district with cost effective means of  
541 transportation. Schools operating under a charter granted after January 1, 1997, and all charter  
542 schools operating during fiscal year 1999 and thereafter, shall not receive funds for  
543 transportation above the amount actually required by such charter school for the provision of  
544 transportation services to eligible students. If the sending district provides an alternative method  
545 of transportation for students enrolled in the sending district's public schools, it shall not be  
546 assessed for transportation costs which exceed the per pupil cost of said alternative. Costs for  
547 transportation shall be included only if transportation is provided for students in the same  
548 program and grade level as those in the charter school. Students who do not reside in the district  
549 in which the charter school is located shall be eligible for transportation in accordance with  
550 section 12B of chapter 76. A regional charter school as designated by the board, and whose  
551 charter provides for transportation of all students from charter municipalities shall also be  
552 reimbursed by the commonwealth under section 16C of chapter 71 for transportation provided to  
553 pupils residing outside the municipality where the charter school is located, but no  
554 reimbursement for transportation between the charter school and home shall be made on account  
555 of any pupil who resides less than 1.5 miles from the charter school, measured by a commonly  
556 traveled route. If a charter school provides its own transportation, the school shall coordinate and  
557 collaborate with the sending district to provide cost effective means of transportation. All such  
558 transportation shall be determined in advance of the approval of the district's final budget for a

559 fiscal year; provided, however, that a commonwealth charter school shall be required to  
560 determine such transportation in the first year of its operation as soon as practicable.

561 SECTION 38. Said section 89 of said chapter 71, as so appearing, is hereby further  
562 amended by inserting after the word students, in line 641, the following words:- ; provided,  
563 however, that a commonwealth charter school shall not be renewed if: (i) the average 3 year  
564 student attrition rate of the charter school is greater than the sending districts average 3 year  
565 student attrition rate in the same grades served by the charter school; (ii) the average 3 year  
566 student stability rate of the charter school is less than the sending districts average 3 year student  
567 stability rate in the same grades served by the charter school; (iii) the average 3 year student  
568 attrition rate within any particular subgroup identified by the board including, but not limited to,  
569 race, ethnicity, gender, special education, and English language learner status, is greater than  
570 the sending districts average 3 year student attrition rate within that subgroup or (iv) the average  
571 3 year student stability rate within any particular subgroup identified by the board including, but  
572 not limited to, race, ethnicity, gender, special education, and English language learner status, is  
573 less than the sending districts average 3 year student stability rate within that subgroup;  
574 provided, further, that the board may grant to a charter school otherwise disqualified under  
575 clauses (iii) and (iv) a waiver relative to particular subgroup if it certifies that the gap in that  
576 subgroup is de minimus and that the charter school has made a rigorous effort to retain all  
577 students.

578 SECTION 39. Subsection (dd) of said section 89 of said chapter 71, as so appearing, is  
579 hereby amended by adding the following 2 paragraphs:-

580           When deciding on a charter renewal, the board shall also consider: (i) a charter schools  
581 discipline policies;

582           (ii) whether the charter school has met its obligations under sections 37H, 37H1/2 and  
583 37H3/4 of this chapter; and (iii) the prevalence of the use of out of school suspensions by the  
584 charter school.

585           A commonwealth charter shall not be renewed if: (i) the average 3 year overall rate of out  
586 of school suspensions of the charter school is greater than the sending districts average 3 year  
587 overall rate of out of school suspensions in the same grades served by the charter school;  
588 provided; provided further that if the charter schools average 3 year overall rate is higher than  
589 the sending districts, the board may grant a 2 year probationary period, during which time the  
590 department shall oversee and provide technical assistance to the charter school in lowering its out  
591 of school suspension rate; provided further that if the average 2 year rate of out of school  
592 suspension rate during said probationary period is greater than the sending district, the board  
593 shall not renew the charter; or (ii) the average 3 year rate of out of school suspensions within any  
594 particular subgroup identified by the board including, but not limited to, race, ethnicity, gender,  
595 special education status, and English language learner status, is greater than the sending districts  
596 average 3 year rate of out of school suspensions within that subgroup; provided further that the  
597 board may grant a charter school a waiver relative to a particular subgroup if it certifies that the  
598 gap in that subgroup is de minimus and that the school has made a rigorous effort to avoid out  
599 of school suspensions for all students and subgroups; provided further that if the charter schools  
600 average 3 year rate of out of school suspensions is higher than the sending districts for any  
601 particular subgroup whose gap the board has not certified as de minimus, the board may grant a 2  
602 year probationary period, during which time the department shall oversee and provide technical

603 assistance to the charter school in lowering its out of school suspension rate; provided, further  
604 that if the average 2 year rate of out of school suspension for any subgroup identified by the  
605 board during said probationary period is greater than the sending districts, the board shall not  
606 renew the charter. This paragraph shall not apply to alternative education charters as defined  
607 under subsection (iii) of paragraph (5) of subsection (i).

608 SECTION 40. Said section 89 of said chapter 71 , as so appearing, is hereby amended by  
609 striking out subsection (gg) and inserting in place thereof the following 2 subsections:-

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

617 (gg<sup>1/2</sup>) Subject to appropriation, the department shall provide small district equity aid  
618 funding to a school district with not more than 1,000 students that sends at least 1 student to a  
619 charter school. The sending district shall receive not more than \$1,000 per child attending a  
620 charter school each year the child attends a charter school.

621 SECTION 41. Said section 89 of said chapter 71, as so appearing, is hereby further  
622 amended by striking out, in lines 776 to 778, inclusive, the words unless the teacher has  
623 successfully passed the state teacher test as required in said section 38G.

624 SECTION 42. Subsection (jj) of said section 89 of said chapter 71, as so appearing, is  
625 hereby amended by striking out the first 2 paragraphs and inserting in place thereof the following  
626 2 paragraphs:-

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

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

647 those uses already noted in the capital plan; and (viii) tax credits received during the previous  
648 fiscal year. The information included in a charter schools net asset balance as required by the  
649 department shall be publicly available on the charter schools website.

650 SECTION 43. Subsection (kk) of said section 89 of said chapter 71, as so appearing, is  
651 hereby amended by striking out the last sentence and inserting in place thereof the following 2  
652 sentences:- Pursuant to the regulations promulgated by the board, the commissioner shall,  
653 pursuant to regulations promulgated by the board, collect attrition and stability data, including,  
654 but not limited to, the number of students leaving each charter school and the reasons for leaving.  
655 Data shall include attrition and stability outcomes within demographic subgroups including, but  
656 not limited to, race, ethnicity, gender, special education status, and English language learner  
657 status. Annually, not later than December 1, the commissioner shall make the data publicly  
658 available online in human and machine readable formats, annually on or before December 1, and  
659 shall file the data annually with the clerks of the senate and house of representatives and senate  
660 and the joint committee on education not later than December 1.

661 SECTION 44. Said section 89 of said chapter 71, as so appearing, is hereby further  
662 amended by striking out subsection (mm) and inserting in place thereof the following 3  
663 subsections:-

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



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

680 (nn) Notwithstanding any general or special law to the contrary, beginning in fiscal year  
681 2026, or sooner as provided in paragraph (2) of subsection (mm), and every fiscal year thereafter,  
682 for school districts qualifying under paragraph (3) of subsection (i), the net school spending cap  
683 shall increase by 0.5 per cent per fiscal year in which the general appropriation act for the  
684 previous fiscal year fully funds and all eligible districts receive the district impact mitigation  
685 under subsection (gg); provided however, a the net school spending cap shall not exceed 23  
686 per cent. For the purposes of this subsection, full funding of district impact mitigation shall be  
687 based on the departments projections as of April 15 for that fiscal year.

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

690 SECTION 45. Notwithstanding any general or special law to the contrary, if in fiscal year  
691 2019, upon exercising the option under paragraph (2½) of subsection (i) of section 89 of  
692 chapter 71 of the General Laws to include Horace Mann schools or innovation schools, or both,  
693 toward a districts net school spending cap, the charter school tuition payment of a school  
694 district qualifying under paragraph (3) of said subsection (i) of said section 89 of said chapter 71  
695 is at or above 20 per cent but below 23 per cent, the school committee or, in school districts in  
696 which the school committee is an appointed body, the school committees appointing authority,  
697 may request that the board immediately implement the increased net school spending cap as  
698 provided in subsections (mm) and (nn) of said section 89 of said chapter 71 in such a way that  
699 the district is eligible for a net school spending cap increase of up to 0.5 per cent annually until it  
700 reaches 23 per cent.

701 Commonwealth charter schools shall only be approved under this paragraph for  
702 expansions of existing commonwealth charter schools into grades not currently approved for  
703 those charter schools; provided, however, that subsections (mm) and (nn) of said section 89 of  
704 said chapter 71 shall be met in each relevant fiscal year in order for a net school spending cap to  
705 increase under this section.

706 SECTION 46. There shall be a commission to review and report on the efficacy of charter  
707 school funding in the commonwealth. The commission shall study and report on the methods  
708 used to fund charter schools in other states and the appropriateness of the approach currently  
709 used in the commonwealth as compared to other states. The commission shall make  
710 recommendations for revising the commonwealths approach to charter school funding as  
711 appropriate.

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

724           The commission shall issue a final report and recommendations for legislation, if any, to  
725 the clerks of the house of representatives and senate not later than January 1, 2018.

726           SECTION 47. The department of elementary and secondary education shall convene an  
727 educational task force to review the effect of school day start times for middle school and  
728 secondary school students. The task force shall consist of: the secretary of education, or a  
729 designee; the commissioner of elementary and secondary education, or a designee; the  
730 executive director of the Massachusetts Association of School Committees, or a designee; the  
731 executive director of the Massachusetts Association of School Superintendents, or a designee;  
732 the executive director of the Massachusetts Association of Secondary School Principals, or a  
733 designee; the executive director of StartSchoolLater.net, or a designee; the executive director of  
734 the Massachusetts Association of School Business Officials, or a designee; a parent of a high

735 school student who is a member of a school council, as defined in section 59 of chapter 71 of  
736 the General Laws; and a superintendent from a district which has implemented later school day  
737 starting times.

738 The task force shall: (i) conduct a comprehensive study, including a review of the  
739 scientific findings relative to sleep needs of adolescents, relative to the effect that middle school  
740 and secondary school start times have on the health and academic performance of students; (ii)  
741 determine the number of districts in the Commonwealth that have implemented later school day  
742 starting times for middle school and secondary schools and examine the academic performance  
743 of students, including performance on statewide tests; and

744 (iii) identify resources and opportunities to assist districts in implementing later school  
745 day start times for middle school and secondary schools, should their findings under items (i) and  
746 (ii) suggest that later start times are beneficial to student learning.

747 The task force shall file a report containing its findings and recommendations, including  
748 legislation necessary to carry out its recommendations, with the clerks of the house of  
749 representatives and senate by December 31, 2018.

750 SECTION 48. Notwithstanding any general or special law to the contrary, the department  
751 of elementary and secondary education shall revise its regulations as they relate to subsection (jj)  
752 of section 89 of chapter 71 of the General Laws to accurately reflect the statutory requirements  
753 not later than January 1, 2018.

754 SECTION 49. The department of the state auditor shall issue a report on the first 5 years  
755 of implementation of chapter 222 of the acts of 2012. Said report shall include, but not be limited  
756 to, data relative to: (1) demographic subgroups including, but not limited to, race, gender,

757 ethnicity, grade level, income status as defined by the department of elementary and secondary  
758 education, special education status, and English language learner status; (2) public school  
759 districts; (3) commonwealth charter schools; (4) Horace Mann charter schools; and (5)  
760 innovation schools. Said report shall be filed with the civil rights division of the office of the  
761 attorney general, the clerks of the senate and house of representatives, the chairs of the joint  
762 committee on education and the house and senate committees on ways and means not later than  
763 December 31, 2019.

764           SECTION 50. The department of elementary and secondary education, in consultation  
765 with the Massachusetts office of information technology, the department of transitional  
766 assistance, the office of Medicaid and the executive office of health and human, services shall  
767 make recommendations to update the calculation and definition for low-income enrollment in  
768 section 2 of chapter 70 of the General Laws. The department shall file the recommendations with  
769 the clerks of the house of representatives and the senate, the house and senate chairs of the  
770 committees on ways and means, and the chairs of the joint committee on education not later than  
771 January 1, 2017. The updated calculation and definition may be implemented under chapter 70  
772 including increments to reflect the needs of districts with high concentrations of low-income  
773 students.