

**HOUSE . . . . . No. 312**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*John H. Rogers and Thomas M. Stanley*

*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 strengthening public education in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>1/12/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/20/2017</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	

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By Messrs. Rogers of Norwood and Stanley of Waltham, a petition (accompanied by bill, House, No. 312) of John H. Rogers, Thomas M. Stanley and Michael S. Day for legislation to promote educational resource allocation decisions at the local level. Education.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4219 OF 2015-2016.]

**The Commonwealth of Massachusetts**

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

An Act strengthening public education in the Commonwealth.

*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 69 of the General Laws is hereby amended by adding the following  
2 2 sections:-

3 Section 37. The board shall adopt a data collection and reporting system that: (1) collects  
4 and reports data regarding funding allocated for English learners, as defined in chapter 71A and  
5 low-income students to ensure that spending is targeted to the intended populations, and to  
6 provide a data source to the foundation budget review commission about the accuracy and  
7 adequacy of the low income and english language learner increments; and (2) allows for greater  
8 access to school-level expenditures and data across all districts to increase the understanding of  
9 state level policy makes about effective school- level interventions and investments, and which

10 connects that data to student achievement data so more informed decisions can be made about  
11 the productivity, efficiency , and effectiveness of state expenditures.

12 Section 38. (a) There shall be within the executive office of education an advisory board  
13 called the stakeholder data advisory committee to promote effective resource allocation  
14 decisions at the local level in collaboration with the office of education and the department.

15 (b) The stakeholder data advisory committee shall assist the department to identify,  
16 implement and assess cost-effective ways to achieve the following 3 goals: (1) streamline  
17 financial reporting, eliminate duplicate reporting requirements, and improve data quality; (2)  
18 strengthen the department’s capacity to analyze and report staffing, scheduling and financial data  
19 in ways that support strategic resource allocation decisions at the district and school level; and  
20 (3) strengthen district capacity to use data to make strategic resource allocation decisions. The  
21 advisory committee may recommend the following department actions to achieve these 3 goals,  
22 including: working with the Massachusetts teachers retirement system to obtain individual  
23 teacher salary information; developing strategies for securing more school-level financial data,  
24 including, where appropriate, developing ways to apportion more district expenditures to schools  
25 automatically; improving data accuracy by identifying more ways to automate the identification  
26 of outlier data on education personnel information management system, hereinafter EPIMS,  
27 staffing and end of year financial reports from districts to prompt district review; strengthening  
28 training for district staff to improve accuracy and consistency of data reporting with special  
29 attention to: the use of clear and consistent definitions, and expected use of reports tab to explain  
30 significant changes or outlier data; eliminating duplication of effort at state and local levels by:  
31 aligning finance data with staffing EPIMS and enrollment student information management  
32 system data collections: and aligning grants management and reporting with end of year financial

33 reporting; identifying potential models, requirements, impacts, and estimated cost for a new  
34 financial reporting system; developing more powerful, actionable and publicly-available  
35 information and reports that combine and benchmark staffing, scheduling, and district or school-  
36 level funding data to support strategic resource allocation decisions at the local level; expanding  
37 research focused on identifying promising practices for efficient and effective district and school  
38 resource allocation; collaborating closely with the Massachusetts Association of School Business  
39 Officials, Inc., and MASS to develop the on-line and other training and support that the  
40 department, education collaboratives, and local district and school staff need to make effective  
41 use of the current and new data and research; and take other actions deemed necessary to achieve  
42 these and other goals.

43 (c) The advisory committee shall assist the department in performing a cost-benefit  
44 analysis of a range of options for actions deemed necessary to achieve the goals set forth in  
45 subsection (b).

46 (d) The advisory committee shall report its progress to the board and to the co-chairs of  
47 the joint committee on education of the general court on at least semi-annually, and make such  
48 recommendations for new funding as are necessary for the department to achieve the goals.

49 SECTION 2. Section 2 of chapter 70 of the General Laws, as appearing in the 2014  
50 Official Edition, is hereby amended by striking out the definition of “Assumed in-school special  
51 education enrollment”, and inserting in place thereof the following definition:-

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

55 SECTION 3. Section 2 of said chapter 70, as so appearing, is hereby amended by striking  
56 out the definition of “Assumed tuitioned-out special education enrollment”, and inserting in  
57 place thereof the following definition:-

58 “Assumed tuitioned-out special education enrollment”, 4 times the statewide foundation  
59 budget per-pupil amount less the statewide foundation budget per-pupil amount plus out-of-  
60 district special education cost rate; provided, that effective for state fiscal year 2017 such value  
61 shall become the base rate and shall be increased by the positive difference by a percentage  
62 amount equal to the percentage rise in the United States Consumer Price Index for January first  
63 of that year over the level of said Index for January first of the previous year.

64 SECTION 4. Section 2 of said chapter 70, as so appearing, is hereby amended by striking  
65 out the definition of “Foundation benefits”, and inserting in place thereof the following  
66 definition:-

67 “Foundation benefits”, the amount allotted within a district’s foundation budget for the  
68 purchase of retired employee health insurance, employee benefits and other insurance in any  
69 fiscal year. The foundation benefits shall be the sum of the following:

70 (a) \$4,320 multiplied by the wage adjustment factor multiplied by the sum of the  
71 foundation teaching staff, the foundation support staff, the foundation assistants, the foundation  
72 principals, the foundation clerical staff, the foundation health care staff, the foundation central  
73 office professional staff and the foundation custodial staff; plus

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75 (b) \$460 multiplied by the sum of the foundation teaching staff, the foundation support  
76 staff, the foundation assistants, the foundation principals, the foundation clerical staff, the  
77 foundation health care staff, the foundation central office professional staff and the foundation  
78 custodial staff; plus

79

80 (c) \$230 multiplied by the foundation vocational staff; plus

81 (d) the fiscal year per capita cost of retired employee health insurance; provided that if  
82 there is a conflict between the language of this clause and any other general or special law the  
83 addition of this benefit shall control.

84 SECTION 5. Section 2 of said chapter 70, as so appearing, is hereby amended by  
85 inserting after the definition of “Professional development allotment” the following definition:-

86 “Employee health insurance”, the average group insurance commission rate adjusted by  
87 any increase in such rate; provided, that the group insurance commission shall annually, on or  
88 before June 30, provide the department with data necessary for the determination of such rate or  
89 any increase thereof.

90 SECTION 6. Section 2 of said chapter 70, as so appearing, is hereby amended by  
91 inserting, in line 188, after the word, “allotment”, the second time it appears, the following  
92 words:- , english language learner allotment.

93 SECTION 7. Section 2 of said chapter 70, as so appearing, is hereby further amended by  
94 inserting after the definition of “District” the following definition:-

95 “English language learner allotment”, the amount allotted within a district’s foundation  
96 budget and increased pursuant to section 3B.

97 SECTION 8. Section 2 of said chapter 70, as so appearing, is hereby amended by  
98 inserting after section 3A, the following section:-

99 Section 3B. (a) Any school district that has more than 55 per cent of its number of  
100 students, including vocational students, who are classified as English learners as defined in  
101 chapter 71A shall receive an additional cost reimbursement from the commonwealth for such  
102 English learners in the current fiscal year beginning in state fiscal year 2017 of 20 per cent of the  
103 total foundation budget for each such student, before the English language learner allotment is  
104 added to such budget. For each subsequent fiscal year this reimbursement shall be increased by  
105 the positive difference to, if any, between: (i) the number of English learners on October 1 of the  
106 prior fiscal year and (ii) the number of English learners students for the current fiscal year as  
107 measured by the census of such students on October 1 of that fiscal current year, and shall be in  
108 an amount for each such student equal to the amount of reimbursement provided for in Chapter  
109 70 for an English learner for that school district.

110 (b) A school district eligible for additional cost reimbursement shall receive an advance  
111 allotment payment from the commonwealth as calculated by subsection (a), no later than the  
112 close of the first monthly accounting period in such fiscal year. Reimbursement to a school  
113 district pursuant to this section shall be in addition to any other reimbursement or a grant  
114 pursuant to Title III of Public Law 107-110.

115 SECTION 9. Chapter 70 of the General Laws is hereby amended by striking out section 4  
116 and inserting in place thereof the following section:-

117 Section 4. (a) There shall be a foundation budget review commission to review, every 3  
118 years, the way foundation budgets are calculated and to make recommendations for potential  
119 changes in those calculations as the commission deems appropriate. In conducting such review,  
120 the commission shall seek to:

121 (1) determine the educational programs and services necessary to achieve the  
122 commonwealth's educational goals and to prepare students to achieve passing scores on the  
123 Massachusetts Comprehensive Assessment System examinations or other designated statewide  
124 assessments;

125 (2) increase the foundation budget increment for districts with high concentrations of low  
126 income students by assisting the general court in determining: (i) specific increments based on  
127 further review of national literature, practices in other states and model districts within  
128 commonwealth and on data and debate; (ii) that increased cost weighting should fall within the  
129 range of 50 to 100 per cent; and (iii) multiple concurrent interventions are necessary to  
130 effectively close achievement gaps; and provided further, that the commission's  
131 recommendations should provide high poverty school districts with enough funding to pursue  
132 several turnaround strategies at once; and

133 (3) ensure that any new definition of economically disadvantaged, necessitated by school  
134 districts' shift away from collection of free and reduced school lunch eligibility data, properly  
135 and accurately count all economically needful students.

136 (b) The commission's review shall also include recommendations for the implementation  
137 of funding flexibility for one or more of the following best practices: (1) expanded learning time,  
138 in the form of a longer day and year, and inclusive, where appropriate, of common planning time



139 for teachers; (2) wraparound services that improve and maintain the health of the  
140 commonwealth's students, including social and emotional health and skills, mental health and  
141 oral health; (3) hiring staff at levels that support improved student performance and the  
142 development of the whole child; (4) increased or improved professional development rooted in  
143 pedagogical research, and focused on instructional improvement, including evidence-based  
144 practices such as hiring instructional coaches; (5) purchase of up-to-date curriculum materials  
145 and equipment, including instructional technology; and (6) expanding kindergarten, pre-school,  
146 and early education options within district.

147 (c) The review shall also include, but not be limited to, those components of the  
148 foundation budget created pursuant to section 3 of chapter 70 and subsequent changes made to  
149 the foundation budget by law. In addition, the commission shall seek to determine and  
150 recommend measures to promote the adoption of ways in which resources can be most  
151 effectively utilized and consider various models of efficient and effective resource allocation. In  
152 carrying out the review, the commissioner of elementary and secondary education shall provide  
153 to the commission any data and information the commissioner considers relevant to the  
154 commission's charge.

155 (d) The commission shall be comprised of the house and senate chairs of the joint  
156 committee on education, who shall serve as co-chairs, the secretary of education, the  
157 commissioner of elementary and secondary education, the commissioner of early education and  
158 care, the speaker of the house of representatives or a designee, the president of the senate or a  
159 designee, the minority leader of the house of representatives or a designee, the minority leader of  
160 the senate or a designee, the governor or a designee, the chair of the house committee on ways  
161 and means or a designee, the chair of the senate committee on ways and means or a designee and

162 1 member to be appointed by each of the following organizations: the Massachusetts Municipal  
163 Association, Inc., the Massachusetts Business Alliance for Education, Inc., the Massachusetts  
164 Association of School Committees, Inc., the Massachusetts Association of School  
165 Superintendents, Inc., the Massachusetts Teachers Association, the American Federation of  
166 Teachers Massachusetts, the Massachusetts Association of Vocational Administrators, Inc., the  
167 Massachusetts Association of Regional Schools, Inc. and the Massachusetts Association of  
168 School Business Officials. Members shall not receive compensation for their services but may  
169 receive reimbursement for the reasonable expenses incurred in carrying out their responsibilities  
170 as members of the commission. The commissioner of elementary and secondary education shall  
171 furnish reasonable staff and other support for the work of the commission. Prior to issuing its  
172 recommendations, the commission shall conduct not fewer than 4 public hearings across regions  
173 of the commonwealth. The commission shall be considered a special commission established  
174 by section 2A of chapter 4 and shall be subject to the provisions of said section 2A of chapter 4.  
175 It shall not constitute a violation of chapter 268A for state employee or a person employed by a  
176 school district to serve on the commission or to participate in commission deliberations that may  
177 have a financial impact on the district employing that person, on the commonwealth, or on the  
178 rate at which that person may be compensated. The commission may establish procedures to  
179 ensure that no such person participates in commission deliberations that may directly affect the  
180 school districts employing those persons or that may directly affect the rate at which those  
181 persons are compensated.

182 SECTION 10. The first report pursuant to section 9 of this act shall be made on or before  
183 November 1, 2018.