

SENATE No. 272

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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:	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/2/2017</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>2/2/2017</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/3/2017</i>

SENATE No. 272

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 272) of Patricia D. Jehlen, James B. Eldridge, Kenneth I. Gordon and James J. O'Day for legislation 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. Section 37H of chapter 71 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby further amended by inserting after the third paragraph the following
3 paragraph:-

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

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

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

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

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

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

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

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

29 (3) Each commonwealth charter school shall establish a panel consisting of 3 members of
30 the board of trustees to hear appeals of disciplinary actions taken by the charter school, 1 of
31 whom shall be the representative of the district school committee and 2 other members who shall
32 be appointed by the chairperson of the board of trustees. Unless otherwise provided in this

33 section, the panel shall have the same rights and responsibilities as a superintendent in hearing
34 appeals and issuing final decisions. A notice appealing a decision of a charter school principal or
35 headmaster to suspend or expel a student shall be directed to the chairperson of the board of
36 trustees who shall provide the notice to the members of the panel and ensure a timely hearing
37 and final decision. Meetings of the panel shall not be subject to the requirements of sections 18
38 to 25 of chapter 30A.

39 SECTION 6. Section 37H³/₄ of said chapter 71, as so appearing, is hereby amended by
40 striking out, in lines 2 and 3, the words in the commonwealth and inserting in place thereof the
41 following words:- , including a district or commonwealth charter school.

42 SECTION 7. Section 37H³/₄ of chapter 71, as so appearing, is hereby amended by adding
43 the following 2 subsections:-

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

46 (h) Each commonwealth charter school shall establish a panel consisting of 3
47 members of the board of trustees to hear appeals of disciplinary actions taken by the charter
48 school, 1 of whom shall be the representative of the district school committee and 2 others who
49 shall be appointed by the chairperson of the board of trustees. Unless otherwise stated in this
50 section, the panel shall have the same rights and responsibilities as a superintendent in hearing
51 appeals and issuing final decisions. A notice appealing a decision of a charter school principal or
52 headmaster to suspend or expel a student shall be directed to the chairperson of the board of
53 trustees who shall provide the notice to the members of the panel and ensure a timely hearing

54 and final decision. Meetings of the panel shall not be subject to the requirements of sections 18
55 to 25 of chapter 30A.

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

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

63 Board, the board of elementary and secondary education.

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

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

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

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

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

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

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

122 charters as defined under subsection (iii) of paragraph (5) of subsection (i) of this section; and,
123 provided further that the board may grant a waiver to a charter school relative to a particular
124 subgroup if the board certifies that the gap in that subgroup is de minimus and that the school
125 has made a rigorous effort to avoid out of school suspensions for all students.

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

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

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

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

143 Before filing an application for the establishment of a commonwealth charter school, the
144 applicant shall: (i) meet with the district superintendent of each school district from which the
145 charter school is expected to enroll students to review the proposed application, including how
146 the proposed commonwealth charter school plans to complement the curriculum and instruction
147 in the district and (ii) hold not less than 1 public hearing with the local school committee of each
148 school district from which the charter school is expected to enroll students. Applicants that fail to
149 meet with the school district superintendent and hold a public hearing shall be disqualified from
150 further consideration.

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

164 (iii) the chairperson of any sending district school committee; (iv) the superintendent of
165 any proposed sending district; and (v) the chief executive officer of any municipality in a

166 proposed sending district. Materials prepared by the department in support of or in opposition
167 to a charter schools application shall be provided not later than 3 days before any board vote on
168 the charter application. In making a recommendation to the board on an application, the
169 commissioner shall explain in writing to the board that the commissioners decision is responsive
170 to the district superintendents submission and provide an assessment of the accuracy of the
171 analysis of the impact on the programs and services of the sending school district or districts
172 required under clause (xix) of subsection (e). The board shall substantially consider materials
173 submitted to the department or the board by the superintendent or school committee of each
174 school district from which the charter school is expected to enroll students.

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

189 SECTION 15. The first paragraph of paragraph (1) of subsection (i) of section 89 of
190 chapter 71, as so appearing, is hereby amended by adding the following sentence:- When making
191 a decision on an application, the board shall explain in writing how the decision takes into
192 account the district superintendents submission under subsection (h) regarding how the schools
193 approval is expected to impact the districts students.

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

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

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

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

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

209 (2½) Horace Mann charter schools and innovation schools, as defined in section 92 shall
210 not be counted towards a school districts net school spending cap; provided, however, that a
211 school committee may exercise the option of including as part of the districts net school
212 spending for all subsequent fiscal years: (i) all district Horace Mann charter schools; (ii) all
213 innovation schools, as defined in said section 92; or (iii) both district Horace Mann charter
214 schools and innovation schools but, in school districts in which the school committee is an
215 appointed body, the school committees appointing authority shall exercise the option. The option
216 shall be communicated in writing to the board by July 1. If a school committee, or the school
217 committees appointing authority in school districts where the school committee is an appointed
218 body, opts to include Horace Mann charter schools, innovations schools or both towards the
219 school districts net school spending, the option shall not be revoked. Upon acceptance of the
220 option, the schools included under clauses (i), (ii) or (iii) then currently operating and any
221 schools of that type to be opened in that school district after the board is notified, shall be
222 counted toward the school districts net school spending cap thereafter. If the school committee,
223 or the school committees appointing authority in school districts where the school committee is
224 an appointed body, opts to include either Horace Mann charter schools or innovation schools,
225 but not both, the school committee may at a later date exercise the option under clause (iii).
226 Horace Mann charter schools and innovation schools may be approved in excess of any school
227 districts net school spending cap. The department shall promulgate regulations to determine the
228 method for counting per pupil spending in Horace Mann charter schools and innovation schools
229 toward the net school spending cap.

230 (2¾) Charter schools with the primary purpose to establish alternative education
231 programs under clause (iii) of paragraph (5) shall not count toward a school districts net

232 school spending cap or towards the number of charter schools under paragraph (1) and may be
233 granted in excess of a districts net school spending cap in any year.

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

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

255 categories on the mathematics or English language arts exams of the Massachusetts
256 Comprehensive Assessment System or a successor statewide assessment system approved by the
257 board for 2 of the past 3 years or as defined by the department using a similar measurement;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

459 ; provided, further, that the construction, reconstruction or improvement of a public
460 building for use by a charter school shall comply with section 7A and sections 26, 27, 27G and
461 44A to 44M, inclusive, of chapter 149.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

625 SECTION 42. Subsection (jj) of said section 89 of said chapter 71, as so appearing, is
626 hereby amended by striking out the first 2 paragraphs and inserting in place thereof the following
627 2 paragraphs:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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