

**HOUSE . . . . . No. 557**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Daniel Cahill and Peter Capano*

*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 modernizing school construction.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>2/19/2021</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/22/2021</i>
<i>Jacob R. Oliveira</i>	<i>7th Hampden</i>	<i>3/9/2021</i>
<i>Orlando Ramos</i>	<i>9th Hampden</i>	<i>3/11/2021</i>

**HOUSE . . . . . No. 557**

By Messrs. Cahill of Lynn and Capano of Lynn, a petition (accompanied by bill, House, No. 557) of Daniel Cahill, Peter Capano and others relative to school construction. Education.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act modernizing school construction.

*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 35BB of chapter 10 of the General Laws, as appearing in the 2018  
2 Official Edition, is hereby amended by striking out, in lines 7 and 8, the figure “1” and inserting  
3 in place thereof, in each instance, the following figure:- 2.

4 SECTION 2. Chapter 70 of the General Laws is hereby amended by adding the following  
5 section:-

6 Section 18. A school district with a disproportionate share of school buildings: (i) in need  
7 of major renovation or potential replacement; (ii) with environments that are not conducive to  
8 teaching and learning; (iii) in need of major repairs; or (iv) in need of replacement, as determined  
9 by the Massachusetts School Building Authority, may, for a period of time until the debt service  
10 obligations for school construction projects in said schools are paid, use not more than 1 per cent  
11 of the total amount of state school aid allocated to said school district under this chapter for costs  
12 associated with the renovation or replacement of said school buildings.

13 SECTION 3. Section 2 of chapter 70B of the General Laws, as appearing in the 2018  
14 Official Edition, is hereby amended by striking out, in lines 29 and 30, the figure “1” and  
15 inserting in place thereof, in each instance, the following figure:- 2.

16 SECTION 4. Subsection (b) of section 9 of said chapter 70B, as so appearing, is hereby  
17 amended by striking out the words “may also take into account” and inserting in place thereof  
18 the following words:- shall provide flexibility for.

19 SECTION 5. Said section 9 of said chapter 70B, as so appearing, is hereby amended by  
20 inserting after the word “section”, in line 49, the following words:-; provided, however, that the  
21 reimbursement dollar amount per square foot shall be not less than the average of the actual  
22 construction cost per square foot of all approved school projects from the previous 3 fiscal years.

23 SECTION 6. Section 10 of said chapter 70B, as so appearing, is hereby amended by  
24 striking out, in line 3, the figure “80” and inserting in place thereof the following figure:- 100.

25 SECTION 7. Said section 10 of said chapter 70B, as so appearing, is hereby further  
26 amended by striking out, in line 8, the words “Incentive Percentage (C)” and inserting in place  
27 thereof the following words:- Incentive Percentage (C) + School Integration Percentage (D).

28 SECTION 8. Clause (3) of paragraph (B) of subsection (a) of said section 10 of said  
29 chapter 70B, as so appearing, is hereby amended by striking out the figures in the chart titled  
30 “Poverty” and inserting in place thereof the following figures:-

31	0-99%	0.00
32	100-102%	1.42
33	103-105%	2.83

34	106-108%	4.25
35	109-111%	5.67
36	112-114%	7.08
37	115-117%	8.50
38	118-120%	9.92
39	121-123%	11.33
40	124-126%	12.75
41	127-129%	14.17
42	130-132%	15.58
43	133-135%	17.00
44	136-138%	18.42
45	139-141%	19.83
46	142-144%	21.25
47	145-147%	22.67
48	148-150%	24.08
49	151-153%	25.50
50	154-156%	26.92

51	157-159%	28.33
52	160-162%	29.75
53	163-165%	31.17
54	166-168%	32.58
55	169-171%	34.00
56	172-174%	35.42
57	175-177%	36.83
58	178-180%	38.25
59	181-183%	39.67
60	184-186%	41.08
61	187-189%	42.50
62	190-192%	43.92
63	193-195%	45.33
64	196-198%	46.75
65	199%+	48.17

66 SECTION 9. Said subsection (a) of said section 10 of said chapter 70B, as so appearing,  
67 is hereby further amended by adding the following paragraph:-

68 (D) School integration percentage points shall be awarded by the authority. New project  
69 applications that present clear and convincing evidence, as determined by the authority, that the  
70 proposed school building project is likely to significantly improve inter-district or intra-district  
71 racial integration of students shall receive 10 percentage points.

72 SECTION 10. For the purposes of developing program and cost standards pursuant to  
73 subsection (b) of section 9 of chapter 70B of the General Laws, the Massachusetts School  
74 Building Authority shall not find a proposed project for the Accelerated Repair Program to be  
75 ineligible on the basis of estimated total budget unless the estimated total budget is less than  
76 \$100,000.

77 SECTION 11. For the purposes of promulgating net school spending regulations pursuant  
78 to section (2) of chapter 70 of the General Laws, the department of elementary and secondary  
79 education shall allow extraordinary maintenance projects to qualify as net school spending up to  
80 a total cost per project per school of \$500,000.