

HOUSE No. 439

The Commonwealth of Massachusetts

PRESENTED BY:

Antonio F. D. Cabral

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 transparency and accountability in charter school finance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/18/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>1/26/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>1/30/2023</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>2/1/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/1/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/7/2023</i>

HOUSE No. 439

By Representative Cabral of New Bedford, a petition (accompanied by bill, House, No. 439) of Antonio F. D. Cabral and others relative to transparency and accountability in charter school finances. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to transparency and accountability in charter school finance.

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 89 of chapter 71 of the General Laws, as appearing in the 2020 Official Edition,
2 is hereby amended by striking paragraph (ff) and inserting in place thereof the following:

3 (ff) Commonwealth charter schools shall be funded as follows: the commonwealth shall
4 pay a tuition amount to the charter school, which shall be the sum of the tuition amounts
5 calculated separately for each district sending students to the charter school. Tuition amounts for
6 each sending district shall be calculated by the department using the formula set forth herein, to
7 reflect, as much as practicable, the actual per-pupil spending amount that would be expended in
8 the district if the students attended the district schools. The tuition amount shall be calculated
9 separately for each district sending students to a charter school, and for each charter school to
10 which a district sends students. Each district's per pupil tuition amount for each charter school to
11 which it sends students shall include a per pupil foundation budget component, adjusted to
12 reflect the actual net school spending in the sending district.

13 In calculating the per pupil foundation budget component, the department shall calculate
14 a foundation budget for the students from each sending district attending the charter school in the
15 previous fiscal year, pursuant to the provisions of section 2 of chapter 70; provided, that the
16 department shall not include in the said calculation the assumed tuition-out special education
17 enrollment, nor any amounts generated by said assumed enrollment, as defined by said section 2.
18 The per pupil foundation budget component shall be the district's foundation budget for the
19 charter school, as so calculated, divided by the number of students attending the charter school
20 from the sending district in the previous fiscal year. The per pupil foundation budget component
21 shall be calculated separately for each charter school to which a district sends students. The
22 foundation budget for a charter school shall be the sum of the foundation budgets for the charter
23 school for each district sending students to the charter school.

24 In adjusting the per pupil foundation budget component, the department shall calculate
25 for each sending district an above foundation spending percentage, which shall be the percentage
26 by which the district's actual net school spending exceeds the foundation budget for the district,
27 as calculated pursuant to the provisions of chapter 70. The department shall further calculate the
28 percentage of actual net school spending reported by the sending district associated with tuition
29 costs for tuition-out special education students, including education that occurs in educational
30 collaboratives, and with spending on health care costs for retired employees, for any district for
31 which such costs are included in net school spending, and shall reduce the districts above
32 foundation spending percentage proportionately. The per pupil foundation budget component for
33 each charter school to which the sending district sends students shall be increased by said
34 adjusted above foundation spending percentage.

35 The total tuition amount payable by a sending district to a charter school shall be the per
36 pupil tuition amount as defined above, multiplied by the total number of students attending the
37 charter school from that district in the current fiscal year. The total charter school tuition amount
38 for purposes of the following paragraphs shall be the sum of the district's amounts for each
39 charter school to which the district sends students, calculated using the provisions of this section.
40 The receiving charter school's total charter school tuition amount shall be the sum of the tuition
41 amounts calculated for the charter school attributable to each district sending students to the
42 charter school.

43 If a charter school student previously attended a private or parochial school or was home-
44 schooled, the commonwealth shall assume the first-year cost for that student and shall not reduce
45 the sending district's chapter 70 aid for that student's tuition in that fiscal year.

46 The state treasurer is hereby authorized and directed to deduct the local share of the total
47 tuition amount payable to a charter school, as calculated herein, from the state school aid, as
48 defined in section 2 of said Chapter 70, of the district in which the student resides prior to the
49 distribution of said aid. For the purpose of calculating the local share amount to be deducted, the
50 total per student foundation budget component for a district, before any adjustment, shall not
51 exceed the statewide average per student minimum required local contribution as defined in
52 section 2 of said Chapter 70 or as otherwise determined for any fiscal year and the amount of any
53 adjustment attributable to above foundation spending shall not exceed the statewide average
54 above foundation spending amount. In the case of a child residing in a municipality that belongs
55 to a regional school district, the local share of the charter school tuition amount shall be deducted
56 from said chapter 70 education aid of the school district appropriate to the grade level of the
57 child. If in a single district, the total of all such deductions exceeds the total of said education

58 aid, this excess amount shall be deducted from other aid appropriated to the city or town. If in a
59 single district, the total of all such deductions exceeds the total state aid appropriated, the
60 commonwealth shall appropriate this excess amount; provided, however, that said district has
61 exempted itself from the provisions of said chapter 70 by accepting section 14 of said chapter 70,
62 the commonwealth shall assess said district for the said excess amount.

63 The state treasurer is hereby further authorized and directed to disburse to the charter
64 school an amount equal to the charter school's total charter school tuition amount as defined
65 above.

66 If more than 1 charter school is managed by a single network or board of trustees,
67 funding shall not be transferred among individual schools within the network unless such schools
68 are located in the same school district.

69 The department shall, subject to appropriation, provide funding to charter schools for a
70 portion of the per pupil capital needs component included in the charter tuition amount and shall
71 reimburse the sending school districts for said costs. In fiscal year 2011 and thereafter, such
72 funding shall not be less than the per pupil amount provided in fiscal year 2010.

73 In the event of a charter school closing or eliminating grade levels as required by the
74 board, the school district shall retain chapter 70 allotments for the students who attended those
75 grade levels in the previous year.