

# SENATE . . . . . No. 2659

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## The Commonwealth of Massachusetts

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

SENATE, March 28, 2024.

The committee on Education, to whom was referred the petitions (accompanied by bill, Senate, No. 251) of Brendan P. Crighton, Michael J. Barrett and Peter Capano for legislation to modernize school construction; (accompanied by bill, Senate, No. 278) of Barry R. Finegold, Adam Scanlon and James B. Eldridge for legislation to establish a special commission to study the effectiveness of the Massachusetts School Building Authority; (accompanied by bill, Senate, No. 295) of John F. Keenan for legislation to create a facilities loan program for private special education schools; (accompanied by bill, Senate, No. 309) of Jason M. Lewis, Rebecca L. Rausch and Kate Lipper-Garabedian for legislation to establish a special commission to review the adequacy and equity of the Massachusetts school building program; (accompanied by bill, Senate, No. 331) of Jacob R. Oliveira for legislation to provide school building assistance for Special Education Collaboratives; (accompanied by bill, Senate, No. 359) of John C. Velis for legislation relative to school districts in receivership and the Massachusetts School Building Authority; (accompanied by bill, House, No. 431) of Bruce J. Ayers relative to technology upgrade programs for public schools; (accompanied by bill, House, No. 441) of Daniel Cahill relative to school construction; (accompanied by bill, House, No. 553) of Edward R. Philips relative to the feasibility of ergonomically designed school buildings and its beneficial impact on students and faculty; (accompanied by bill, House, No. 568) of Adam Scanlon, Barry R. Finegold and others for an investigation by a special commission (including members of the General Court) relative to the effectiveness of the Massachusetts School Building Authority; (accompanied by bill, House, No. 569) of Adam Scanlon, Michael P. Kushmerek and others relative to providing for school building assistance for special education collaboratives; and (accompanied by bill, House, No. 606) of Marcus S. Vaughn and Ryan C. Fattman relative to School Building Advisory Board funding, report the accompanying bill (Senate, No. 2659).

For the committee,  
Jason M. Lewis

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In the One Hundred and Ninety-Third General Court  
(2023-2024)  
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An Act establishing a special commission to review the adequacy and equity of the Massachusetts school building program.

*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. (a) For the purposes of this section, the word “authority” shall mean the  
2   Massachusetts School Building Authority established in section 1A of chapter 70B of the  
3   General Laws.

4           (b) There shall be a special commission to study and make recommendations regarding  
5   the: (i) capacity of the authority to meet the needs of current and future school facility projects;  
6   and (ii) racial, ethnic, socio-economic and geographic equity of the grant funding formula to  
7   ensure that all communities can participate in the program.

8           (c) The commission shall consist of: 2 members appointed by the senate president, 1 of  
9   whom shall be the senate chair of the joint committee on education and 1 of whom shall serve as  
10   co-chair; 2 members appointed by the speaker of the house of representatives, 1 of whom shall  
11   be the house chair of the joint committee on education, and 1 of whom shall serve as co-chair; 1  
12   member appointed by the minority leader of the senate; 1 member appointed by the minority  
13   leader of the house of representatives; the secretary of education or a designee; the commissioner

of elementary and secondary education or a designee; the executive director of the authority or a designee; 2 members appointed by the governor, 1 of whom shall be a representative of a gateway city with knowledge of municipal finance and 1 of whom shall be an individual with demonstrated expertise in the design and construction of cost-effective school buildings; 2 members appointed by the state treasurer, 1 of whom shall be an individual with demonstrated expertise in the design and construction of green buildings and 1 of whom shall be an individual with demonstrated expertise in public health and indoor environmental quality in school buildings; 1 member appointed by the Massachusetts Association of School Superintendents, Inc.; 1 member appointed by the Massachusetts Association of School Committees, Inc.; 1 member appointed by the Massachusetts Association of Vocational Administrators, Inc.; 1 member appointed by the Massachusetts Chapter of the American Institute for Architects; 1 member appointed by the Massachusetts Facilities Administrators Association, Inc.; 1 member appointed by the Massachusetts Teachers Association; 1 member appointed by the American Federation of Teachers Massachusetts; 1 member appointed by the Massachusetts Taxpayers Foundation, Inc.; and 1 member appointed by the Massachusetts Building Trades Council.

(d) The commission shall investigate and make recommendations on: (i) the current and future need to renovate and rebuild school facilities and the availability of adequate state and local resources, and the extent to which current state funding for the authority may need to be increased to meet this need; (ii) the authority's existing grant formula and potential modifications to the formula to ensure fairness and equity for all communities; (iii) the alignment of the authority's construction cost reimbursement rate relative to the actual cost of construction and other authority policies that impact eligible project costs for reimbursement; (iv) incentive percentage points, including, but not limited to, how incentive percentage points are calculated

for municipalities that qualify for 80 per cent reimbursement; (v) reimbursement policies for regional technical and vocational schools and how to ensure affordability for all member communities; (vi) reimbursement policies to help the commonwealth achieve its environmental and greenhouse gas emissions reductions goals; (vii) reimbursement policies that support healthy school facilities for students and staff; (viii) whether the authority should be authorized to spend money on equipment or the authority should be limited to funding for education structures; (ix) whether the authority should add incentives for educational spaces approved under chapter 74 of the General Laws in programs that align to labor market demand; (x) strategies for addressing facilities needs of educational collaboratives; and (xi) any other issues affecting the ability for all students in the commonwealth to attend school in high quality, accessible, safe, healthy and green school buildings.

(e) The authority and any other state agency shall make available to the commission in a timely manner any documents, data or other materials that are reasonably requested by the commission.

(f) The commission shall submit a report of its findings and recommendations to the clerks of the house of representatives and senate, the joint committee on education and the house and senate committees on ways and means not later than December 1, 2025.