

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Joanne M. Comerford***

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*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 to provide a sustainable future for rural schools.

\_\_\_\_\_

PETITION OF:

NAME:

*Joanne M. Comerford*

DISTRICT/ADDRESS:

*Hampshire, Franklin and Worcester*

**SENATE . . . . . No.**

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 2388 OF 2023-2024.]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act to provide a sustainable future for rural 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 2 of chapter 70 of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by inserting after the definition “Required net school  
3 spending” the following definition:-

4 “Rural school district”, a school district with both of the following: (i) a student density  
5 of not more than 35 students per square mile and (ii) a per capita income of less than the average  
6 annual estimated, state-wide per capita income.

7 SECTION 2. Chapter 71 of the General Laws is hereby amended is hereby amended by  
8 adding the following 2 sections:-

9 Section 100. (a) There is hereby established and set upon the books of the commonwealth  
10 a separate fund known as the Rural Schools Aid Fund. The fund shall be credited with: (i)

11 appropriations or other money authorized or transferred by the general court and specifically  
12 designated to be credited to the fund; (ii) funds from public and private sources, including, but  
13 not limited to gifts, grants and donations; and (iii) any interest earned on such money. Annually,  
14 not later than the first day of December, the comptroller shall transfer sixty million dollars from  
15 the General Fund to the fund. Amounts credited shall not be subject to appropriation and shall be  
16 expended by the department of elementary and secondary education to support the long-term  
17 fiscal health of rural school districts to be administered by the department in accordance with this  
18 section.

19 (b) A qualified school eligible for funding are towns and regional school districts,  
20 excluding vocational schools, independent agricultural, technical schools and charter schools;  
21 provided, that a school district shall be eligible for rural school aid if a school district has a  
22 student density of not more than 35 students per square mile and an average annual per capita  
23 income of not more than the average annual per capita income for the commonwealth for the  
24 same period; provided further, that rural school aid shall be allocated equitably in the following  
25 priority order: (i) school districts serving less than 11 students per square mile; (ii) school  
26 districts serving not more than 21 students per square mile; and (iii) school districts serving not  
27 more than 35 students per square mile;

28 (c) Annually, not later than the first day of December, the department shall submit a  
29 report to the house and senate committees on ways and means detailing: (i) its recommendations  
30 for additional adjustments to the rural school aid calculation for the upcoming fiscal year to  
31 improve the accuracy and equity of the student density component and the per capita income  
32 component; and (ii) the calculation and planned distribution of funds to school districts; and

33 provided further, that funds distributed from this section shall not be considered chapter 70 aid  
34 for the calculation of the minimum required local contribution for the upcoming fiscal year.

35 (d) Every 5 years, the department shall determine the adequacy of funding for the  
36 purposes of this section and recommend to the general court any necessary adjustment.

37 Section 101. (a) There is hereby established and set upon the books of the commonwealth  
38 a separate fund known as the Declining Enrollment Fund. The fund shall be credited with: (i)  
39 appropriations or other money authorized or transferred by the general court and specifically  
40 designated to be credited to the fund; (ii) funds from public and private sources, including, but  
41 not limited to gifts, grants and donations; and (iii) any interest earned on such money. Amounts  
42 credited shall not be subject to appropriation and shall be expended by the department to support  
43 the long-term fiscal health of school districts with declining student enrollment to be  
44 administered by the department in accordance with this section.

45 (b) A qualified school eligible for funding are towns and regional school districts,  
46 excluding vocational schools, independent agricultural, technical schools and charter schools;  
47 provided, that a school district shall be eligible for declining enrollment aid if it has a decline in  
48 student enrollment of at least 35 per cent over the 20 years prior to the school district's  
49 application for funds; provided further, that declining enrollment aid shall be allocated equitably  
50 on a per-pupil basis with priority given to school districts that have experienced the greatest  
51 percentage decline in student enrollment.

52 (c) Annually, not later than the first day of February, any district receiving funds under  
53 this item shall submit a plan to the department outlining the district's plans to use such funds.

54 (d) Annually, not later than the first day of December, the department shall submit a  
55 report to the house and senate committees on ways and means detailing the calculation and  
56 planned distribution of funds to school districts; provided, that, funds distributed from this  
57 section shall not be considered chapter 70 aid for the calculation of the minimum required local  
58 contribution for the upcoming fiscal year.

59 (e) Every 5 years, the department shall determine the adequacy of funding for the  
60 purposes of this section and recommend to the general court any necessary adjustment.

61 SECTION 3. Section 19 of chapter 15A of the General Laws, as appearing in the 2022  
62 Official Edition, is hereby amended by inserting after the figure “71”, in line 83, the following  
63 words:- “; provided, however that paraprofessionals seeking to obtain licensure as special  
64 educators shall have priority for such grants.”

65 SECTION 4. The definition of “Instructional costs”, in subsection (a) of said section 5A  
66 of said chapter 71B of the General Laws is hereby amended by adding the following sentence:-  
67 Instructional costs shall include partial costs of salaries for specialized staff when a full-time  
68 equivalent staff person is not needed but a full-time salary is necessary to procure a qualified  
69 professional.

70 SECTION 5. Subsection (c) of section 5A of chapter 71B of the General Laws, as  
71 appearing in the 2022 Official Edition, is hereby amended by striking out the fourth sentence and  
72 inserting in place thereof the following sentence:- The costs of programs shall be reimbursed at  
73 100 percent of all the instructional and transportation costs that exceed the approved costs  
74 threshold; provided, that such reimbursement shall be paid in the year in which the costs are  
75 incurred.

76 SECTION 6. Said chapter 71B of the General Laws is hereby further amended by adding  
77 the following section:-

78 Section 17. (a) There shall be within the department a program to support the  
79 development of specialized teachers with targeted funding for local educator preparation  
80 programs for special education.

81 (b) The department shall facilitate the funding and implementation of the program so that  
82 school districts can coordinate with educational collaboratives and other providers to build “grow  
83 your own” programs and provide paid time off, or child care stipends, to paraprofessionals  
84 studying to become licensed special education teachers.

85 (c) The program shall provide similar support to teachers currently licensed in other  
86 subjects to become special education teachers.

87 (d) The department shall develop special education instructor assessments that can be  
88 used as an alternative to Massachusetts Tests for Educator Licensure (MTEL) or develop  
89 licensure criteria that will supersede passing the MTEL.

90 SECTION 7. (a) Notwithstanding any general or special law to the contrary, the  
91 department of elementary and secondary education shall conduct a review of special education  
92 regulations of the department as they pertain to the needs of rural school districts.

93 (b) The department shall request public comment and discussions with special education  
94 advocates, school administrators, parents, and experts to explore reform of regulations under 603  
95 CMR 28.00.

96 (c) The department shall publish a web page that serves as a one-stop resource to allow  
97 the public to obtain information and provide comments on individual rules and guidelines under  
98 review as well as the department's regulatory review program generally.

99 SECTION 8. (a) There is hereby established, pursuant to section 2A of chapter 4 of the  
100 General Laws, a special education financing legislative commission to review the  
101 commonwealth's system for financing special education and make recommendations for a more  
102 equitable system that provides adequate funding to local school districts to meet the costs of  
103 providing high quality education to students with disabilities.

104 (b) The commission's review shall evaluate the commonwealth's current special  
105 education financing structure and make recommendations to achieve the following goals:

106 (1) special education funds shall be sufficient to allow all schools to provide a high  
107 quality education in the least restrictive environment that meets the unique needs of each eligible  
108 student;

109 (2) special education funds provided to school districts shall recognize the variation in the  
110 resources that are required to provide students with different disabilities a high quality education;

111 (3) districts with more students receiving special education services shall equitably  
112 receive more state special education assistance funding than districts with fewer students  
113 receiving special education services;

114 (4) districts with less local resources shall equitably receive more state special education  
115 assistance funding than districts with more local resources;

116 (5) special education funds shall be relatively predictable and stable to enable school  
117 districts to budget effectively and implement multi-year plans;

118 (6) the special education funding system shall promote the efficient use of funds without  
119 incentivizing the under or misdiagnosis of students with disabilities;

120 (7) the special education funding system shall promote flexibility and innovation in  
121 providing high quality education;

122 (8) the special education funding system shall limit local financial responsibility for  
123 providing education to students with extraordinary needs; and

124 (9) the special education funding system shall provide sufficient funds to meet the costs  
125 of transportation of special education students.

126 (c) In carrying out the review, the commissioner of elementary and secondary education  
127 shall provide to the commission any data and information relevant to the commission's charge.  
128 The commissioner of elementary and secondary education shall furnish reasonable staff and  
129 other support for the work of the commission.

130 (d) Prior to issuing its recommendations, the commission shall conduct not fewer than 4  
131 public hearings across regions of the commonwealth.

132 (e) The members of the commission shall include: the house and senate chairs of the joint  
133 committee on education, who shall serve as co-chairs; the governor or a designee; the secretary  
134 of education; the commissioner of elementary and secondary education; the commissioner of  
135 early education and care; the director of the Massachusetts office on disability; the speaker of the  
136 house of representatives or a designee; the president of the senate or a designee; the minority



137 leader of the house of representatives or a designee; the minority leader of the senate or a  
138 designee; the chair of the house committee on ways and means or a designee; the chair of the  
139 senate committee on ways and means or a designee; the house and senate chairs of the joint  
140 committee on children, families and persons with disabilities and 1 member to be appointed by  
141 each of the following organizations: the Massachusetts Municipal Association, Inc., the  
142 Massachusetts Business Alliance for Education, Inc., the Massachusetts Association of School  
143 Committees, Inc., the Massachusetts Association of School Superintendents, Inc., the  
144 Massachusetts Teachers Association, the American Federation of Teachers Massachusetts, the  
145 Massachusetts Association of Vocational Administrators, Inc., the Massachusetts Association of  
146 Regional Schools, Inc., Massachusetts Advocates for Children, Federation for Children with  
147 Special Needs, ARC of Mass, and the Parent Professional Advocacy League of Massachusetts.  
148 Members shall not receive compensation for their services but may receive reimbursement for  
149 the reasonable expenses incurred in carrying out their responsibilities as members of the  
150 commission.

151 (f) It shall not constitute a violation of chapter 268A of the General Laws for a person  
152 employed by a school district to serve on the commission or to participate in commission  
153 deliberations that may have a financial impact on the district employing that person or on the rate  
154 at which that person may be compensated. The commission may establish procedures to ensure  
155 that no such person participates in commission deliberations that may directly affect the school  
156 districts employing those persons or that may directly affect the rate at which those persons are  
157 compensated.

158 (g) The commission shall file its report with the clerks of the house of representatives and  
159 the senate on or before June 30, 2026. A copy of the report and recommendations shall be made

160 publicly available on the website of the department of elementary and secondary education and  
161 submitted to the joint committee on education, the joint committee on children, families and  
162 persons with disabilities, and the house and senate committees on ways and means.

163 SECTION 9. Chapter 71 of the General Laws is hereby amended by inserting after  
164 section 7C the following 2 sections:-

165 Section 7D. (a) To provide for the reimbursement of the part of the cost of transportation  
166 not reimbursable under section 7A, the state treasurer shall annually, on or before November  
167 twentieth, pay to a rural school district the sums required for full reimbursement of extraordinary  
168 transportation costs incurred directly by a rural school district as a result of the transportation  
169 between school and home of any pupil.

170 (b) Rural school districts may establish a Rural School Transportation Reimbursement  
171 Account. Reimbursements made by the commonwealth pursuant to this section may be deposited  
172 into the account.

173 (c) Regional school districts that receive reimbursement pursuant to section 16C shall not  
174 be eligible for school transportation reimbursement pursuant to this section.

175 Section 7E. (a) There is hereby established and set upon the books of the commonwealth  
176 a separate fund known as the Non-Resident Pupil Transportation Fund. The fund shall be  
177 credited with: (i) appropriations or other money authorized or transferred by the general court  
178 and specifically designated to be credited to the fund; (ii) funds from public and private sources,  
179 including, but not limited to gifts, grants and donations; and (iii) any interest earned on such  
180 money. Amounts credited shall not be subject to appropriation and shall be expended by the  
181 department of elementary and secondary education to reimburse schools for the costs associated

182 with the transportation of pupils who attend schools in school districts that are not located within  
183 the municipality that the pupil resides in to be administered by the department of elementary and  
184 secondary education in accordance with this section.

185 (b) A qualified school district eligible for funding shall include any school district that  
186 enrolls pupils in its schools who reside outside of the municipality where the school is located.

187 (c) Annually, not later than the first day of December, the department of elementary and  
188 secondary education shall submit a report to the house and senate committees on ways and  
189 means detailing the calculation and planned distribution of funds to school districts; provided,  
190 that, funds distributed from this section shall not be considered chapter 70 aid for the calculation  
191 of the minimum required local contribution for the upcoming fiscal year.

192 (d) Every 5 years, the department of elementary and secondary education shall determine  
193 the adequacy of funding for the purposes of this section and recommend to the general court any  
194 necessary adjustment.

195 SECTION 10. Chapter 15 of the General Laws is hereby amended by adding the  
196 following section:-

197 Section 67. (a) There shall be within the department of elementary and secondary  
198 education an office of shared services, which shall be under the supervision and management of  
199 the director of shared services. The director shall be appointed by the commissioner.

200 (b) The office of shared services shall oversee the formation of regional school districts  
201 and superintendent unions in the commonwealth. The director of shared services shall assist  
202 school districts that are considering forming or are in the process of forming regional school

203 districts and superintendent unions with the research, development and execution of shared  
204 services projects and shared services agreements.

205 SECTION 11. Section 10 of chapter 70B, as so appearing, is hereby amended by adding  
206 the following subsection:-

207 (d) Notwithstanding the first paragraph of this section, the grant percentage for approved  
208 school facilities projects in regional school districts shall be at least ninety percent.

209 SECTION 12. Said chapter 70B of the General Laws is hereby further amended by  
210 adding the following section:-

211 Section 22. (a) Upon the closure of a school as a result of a school district regionalization  
212 effort, the authority shall relieve any debt that was accrued as a result of the establishment and  
213 maintenance of the school's facilities that is owed to the authority by the municipality wherein  
214 the school is located.

215 (b) Upon the closure of a school as a result of a school district regionalization effort, the  
216 authority, in collaboration with the executive office of economic development, shall offer  
217 assistance to the municipality wherein the school is located for the development of a plan for  
218 demolition or use of the school building for other purposes, including any technical assistance  
219 for school building reuse and the retrofitting of school buildings for other purposes.

220 SECTION 13. Section 16D of said chapter 71 of the General Laws, is hereby amended by  
221 striking out subsection (g) and inserting in place thereof the following subsection:-

222 (g) A regional school district shall receive state aid for the transitional costs associated  
223 with the establishment of the regional school district. A regional school district shall be entitled

224 to aid under this subsection for the first 3 years of its operation. The state treasurer shall, upon  
225 certification by the commissioner, annually, on or before the twentieth of November, pay to each  
226 regional school district in its first 3 years of operation two-hundred dollars per pupil enrolled by  
227 the regional school district.

228 SECTION 14. Said section 16D of said chapter 71, as so appearing, is hereby further  
229 amended by adding the following subsection:-

230 (h) A regional school district shall receive state aid to cover the salaries of temporary  
231 school district employees, including, but limited to, an assistant superintendent, assistant  
232 business manager, assistant information technology director and assistant pupil services director.  
233 A regional school district shall receive aid under this subsection for the first 2 years of its  
234 operation. The state treasurer shall, upon certification by the commissioner, annually, on or  
235 before the twentieth day of November, pay to each regional school district in its first 2 years of  
236 operation a sum to be determined by the commissioner.

237 SECTION 15. Said chapter 71 is hereby further amended by inserting after section 16I  
238 the following 3 sections:-

239 Section 16J. (a) There is hereby established and set upon the books of the commonwealth  
240 a separate fund known as the School District Regionalization Grant Fund. The fund shall be  
241 credited with: (i) appropriations or other money authorized or transferred by the general court  
242 and specifically designated to be credited to the fund; (ii) funds from public and private sources,  
243 including, but not limited to gifts, grants and donations; and (iii) any interest earned on such  
244 money. Amounts credited shall not be subject to appropriation and shall be expended by the  
245 department to fund a grant program for the study, planning and implementation of school district

246 regionalization efforts to be administered by the department in accordance with this section; and  
247 provided further, that grant funds awarded pursuant to this section shall be distributed evenly  
248 over a 3 year period.

249 (b) A qualified school eligible for funding are towns and regional school districts,  
250 excluding vocational schools, independent agricultural, technical schools and charter schools;  
251 provided, that a school district shall be eligible for a school district regionalization grant if it is  
252 considering forming, is in the process of forming or has formed within the past 5 years a regional  
253 school district or regionalizing services; provided, that, that school district regionalization grants  
254 shall be allocated equitably in the following priority order: (i) school districts with significant  
255 enrollment decline as defined by the department of elementary and secondary education; (ii)  
256 school districts where existing school space is underutilized; and (iii) school districts where the  
257 regionalization proposal will produce significant expansion of available academic resources and  
258 supports as a result of cost savings.

259 (c) Annually, not later than the first day of February, any district receiving funds under  
260 this item shall submit a report to the department outlining the progress the district has made in  
261 studying, planning or implementing regionalization or regionalization services.

262 (d) Annually, not later than the first day of December, the department shall submit a  
263 report to the house and senate committees on ways and means detailing the calculation and  
264 planned distribution of funds to school districts; provided, that, funds distributed from this  
265 section shall not be considered chapter 70 aid for the calculation of the minimum required local  
266 contribution for the upcoming fiscal year.

267 (e) Every 5 years, the department shall determine the adequacy of funding for the  
268 purposes of this section and recommend to the general court any necessary adjustment.

269 (f) A grant awarded to a school district pursuant to this section shall not exceed one  
270 million five-hundred thousand dollars over a 3 year period.

271 Section 16K. (a) There is hereby established and set upon the books of the  
272 commonwealth a separate fund known as the Regional School District Foundational Aid Fund.  
273 The fund shall be credited with: (i) appropriations or other money authorized or transferred by  
274 the general court and specifically designated to be credited to the fund; (ii) funds from public and  
275 private sources, including, but not limited to gifts, grants and donations; and (iii) any interest  
276 earned on such money. Amounts credited shall not be subject to appropriation and shall be  
277 expended by the department to fund a grant program for regional school districts that experience  
278 a drop in foundational aid as a result of regionalization to be administered by the department in  
279 accordance with this section.

280 (b) A qualified school eligible for funding are regional school districts, excluding  
281 vocational schools, independent agricultural, technical schools and charter schools; provided,  
282 that any regional school district within its first 5 years of operation that has received less  
283 foundational aid than any of its member school districts received in the 5 years preceding  
284 regionalization shall be entitled to a grant equal to the difference in foundational funding  
285 between the member school district prior to regionalization and the foundational funding  
286 received by the regional school district.

287 (c) Annually, not later than the first day of December, the department shall submit a  
288 report to the house and senate committees on ways and means detailing the calculation and

289 planned distribution of funds to school districts; provided, that, funds distributed from this  
290 section shall not be considered chapter 70 aid for the calculation of the minimum required local  
291 contribution for the upcoming fiscal year.

292 (d) Every 5 years, the department shall determine the adequacy of funding for the  
293 purposes of this section and recommend to the general court any necessary adjustment.

294 Section 16L. (a) There is hereby established and set upon the books of the  
295 commonwealth a separate fund known as the Superintendent Union Formation Grant Fund. The  
296 fund shall be credited with: (i) appropriations or other money authorized or transferred by the  
297 general court and specifically designated to be credited to the fund; (ii) funds from public and  
298 private sources, including, but not limited to gifts, grants and donations; and (iii) any interest  
299 earned on such money. Amounts credited shall not be subject to appropriation and shall be  
300 expended by the department to fund a grant program for the development of superintendent  
301 unions to be administered by the department in accordance with this section.

302 (b) A qualified school eligible for funding are school districts, excluding vocational  
303 schools, independent agricultural, technical schools and charter schools; provided, that a school  
304 district shall be eligible for a superintendent union formation grant if (i) school district  
305 regionalization is not desired by the school district community or is not practicable for any  
306 reason and (ii) the school district is considering forming, is in the process of forming or has  
307 formed within the past 5 years a superintendent union pursuant to section 61.

308 (c) Annually, not later than the first day of February, any district receiving funds under  
309 this item shall submit a report to the department outlining progress the district has made in  
310 studying, planning or implementing a superintendent union.



311 (d) Annually, not later than the first day of December, the department shall submit a  
312 report to the house and senate committees on ways and means detailing the calculation and  
313 planned distribution of funds to school districts; provided, that, funds distributed from this  
314 section shall not be considered chapter 70 aid for the calculation of the minimum required local  
315 contribution for the upcoming fiscal year.

316 (e) Every 5 years, the department shall determine the adequacy of funding for the  
317 purposes of this section and recommend to the general court any necessary adjustment.

318 (f) A grant awarded pursuant to this section shall not exceed two-hundred and fifty  
319 thousand dollars annually.

320 SECTION 16. Said chapter 70 of the General Laws is hereby further amended by  
321 inserting after section 10 the following section:-

322 Section 10A. (a) The department and the department of children and families shall jointly  
323 apply for reimbursement from the United States Department of Education, pursuant to any and  
324 all applicable federal laws, including, but not limited to the Every Student Succeeds Act, 20 USC  
325 § 6301, for the costs incurred by a school district for transportation of a child in foster care  
326 between the foster home and the child's school of origin, if placement in that school has been  
327 determined to be in the child's best interests. The school district shall certify its costs for such  
328 transportation on a form designated by the department for this purpose and complete the form in  
329 accordance with the department's instructions. The department shall transmit any reimbursement  
330 amounts received from the United States Department of Education to the school district.

331 (b) To the extent that the United States Department of Education does not reimburse the  
332 commonwealth in full for the certified costs for such school transportation of a child in foster  
333 care, the department shall reimburse the school district for the balance of the certified costs.

334 SECTION 17. Section 1E of said chapter 15 of the General Laws, as so appearing, is  
335 hereby amended by inserting after the fourth sentence the following sentence:- Not less than  
336 three members of said board shall reside in the counties of Berkshire, Franklin, Hampden and  
337 Hampshire.