
The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, OCTOBER 3, 2019.

JOURNAL OF THE SENATE

Thursday, October 3, 2019.

Met at a quarter past eleven o'clock A.M. (Ms. Creem in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Ms. Creem), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of Allegiance.

Communications.

Communication from the Honorable Bruce E. Tarr, Minority Leader, announcing the appointment Senator Viriato M. deMacedo to serve as his appointee (pursuant to Section 136 of Chapter 47 of the Acts of 2017, as amended by Section 44 of Chapter 5 of the Acts of 2019) to the special commission to study the feasibility of establishing a Cape Verdean cultural center in the city of Boston,-- was placed on file.

Cape Verdean cultural center,-- commission appt.

Reports.

The following reports were severally received and placed on file, to wit:

Report of the Department of Mental Health (pursuant to Section 6Q of Chapter 6A of the General Laws) submitting, on behalf of the Children's Behavioral Health Advisory Council, its 2019 annual report (received October 2, 1019);

Children's Behavioral Health Council,-- annual report. SD2581 EOHHS,-- MAT report. SD2583

Report of the Executive Office of Health and Human Services (pursuant to Section 103(d) of Chapter 208 of the Acts of 2018) submitting its report from the Department of Public Health entitled "Medication-Assisted Treatment (MAT) Commission" (received October 1, 2019);

Report of the Berkshire Regional Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its financial statements and supplementary information for the year ended June 30, 2019 (received October 1, 2019); and

BRTA,-- financial statements. SD2585

Report of the Southeastern Regional Transit Authority (pursuant to Section 8(g) of Chapter 161B of the General Laws) submitting its financial statements and supplementary information for the year ended June 30, 2019 (received October 1, 2019).

SERTA,-- financial statements. SD2586

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2360) of Bruce E. Tarr and Ann-Margaret Ferrante (by vote of the town) for legislation to exempt all positions in the Police Department of the town of Rockport from the civil service law [Local approval received];

Rockport,-- civil service law.

Under Senate Rule 20, to the committee on Public Service. Sent to the House for concurrence.

By Mr. Brady, a petition (accompanied by bill) (subject to Joint Rule 12) of Michael D. Brady for legislation to exempt certain local housing authority executive directors from anti-spiking provisions;

Local housing,-- anti-spiking. SD2579

UNCORRECTED PROOF.

By Ms. Dizoglio, a petition (accompanied by bill) (subject to Joint Rule 12) of Diana DiZoglio for legislation to establish a sick leave bank for Daniel Kiley, an employee of the Massachusetts Department of Mental Health; and

Daniel Kiley,-- sick leave.
SD2584

By Mr. Keenan, a petition (accompanied by bill) (subject to Joint Rule 12) of John F. Keenan and Mark J. Cusack for legislation to establish a sick leave bank Tiffany Myers, an employee of the Massachusetts Department of Correction;

Tiffany Myers,-- sick leave.
SD2582

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Ms. Friedman, for the committee on Health Care Financing, that the Senate Bill relative to diabetes prevention (Senate, No. 1289),-- ought to pass [Estimated cost: greater than \$100,000];

Diabetes,-- prevention.

Read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Brady, for the committee on Public Service, on petition (accompanied by bill, Senate, No. 2293), a Bill relative to special police officers in the town of West Bridgewater (Senate, No. 2361) [Local approval received on Senate, No. 2293];

West Bridgewater,-- police officers.

Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4097) of Michael J. Soter and Ryan C. Fattman (by vote of the town) relative to the funding of the other post-employment benefits liability trust fund in the town of Uxbridge,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

Uxbridge,-- post-employment benefits liability trust fund.

Report of the committee on Public Safety and Homeland Security asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2031) of Natalie M. Blais and other relative to establishing requirements and standards for the construction of certain tiny houses,-- and recommending that the same be referred to the committee on State Administration and Regulatory Oversight,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Tiny houses,-- regulations.

Notice was received from the Minority Leader of the House of Representatives announcing the following appointment:

Amy Luckiewicz, Grant Director for the town of North Reading (pursuant to Section 21 of Chapter 157 of the Acts of 2018) to serve as his designee on the Special Commission to study and provide recommendations regarding the vaping industry.

Special Commission appt.,-- vaping industry.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-

Resolutions (filed by Mr. Brady) “congratulating Michael Curran of the town of Hanson on his elevation to the rank of Eagle Scout”; and

Michael Curran.

Resolutions (filed by Messrs. Tarr, Crighton and Lewis) “congratulating the Reading Municipal Light Department on the celebration of its one hundred and twenty-fifth anniversary of establishment.”

The Reading Municipal Light Department.

Communication.

The Clerk read the following communication:

The Commonwealth of Massachusetts
MASSACHUSETTS SENATE

Michael D. Hurley
Clerk of the Senate
24 Beacon Street, Room 335
State House
Boston, MA 02133

Senator Jason M. Lewis,-- absence from Chamber.

Dear Senate Clerk:

I was unable to be in the Senate Chamber during 2 roll call votes in the formal session that was held on Thursday, September 19th.

There was a roll call vote on Amendment #1 to Senate bill 2338, An Act to protect children, families, and firefighters from harmful flame retardants. The amendment was related to Fire Safety Exemptions. Had I been in attendance, I would have voted against amendment #1 and wish to be recorded accordingly.

There was also a roll call vote on the engrossment of Senate bill 2338, An Act to protect children, families, and firefighters from harmful flame retardants. Had I been in attendance, I would have voted in favor of engrossing S2338 and wish to be recorded accordingly.

Thank you for your consideration and if you have any questions, please contact us at 617-722-1206.

Sincerely,

Jason M. Lewis
State Senator
5th Middlesex District

On motion of Mr. Brownsberger, the above communication was ordered printed in the Journal of the Senate.

Ordered printed.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill establishing the DHY Clean Waters Community Partnership for the towns of Dennis, Harwich and Yarmouth (see House, No. 3948) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Ms. Creem) and laid before the Governor for his approbation.**

Bill laid before the Governor.

Reports of Committees.

By Mr. Brady, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Wilfredo Bosque-Rosa, an employee of the Department of Correction (Senate, No. 2356).

Wilfredo Bosque-Rosa,-- sick leave.

The bill was read. There being no objection, the rules were suspended, on motion

of Mr. Brownsberger, and the bill was read a second time and ordered to a third reading.

Ms. Lovely, for the committee on Rules, reported that the following matters be placed in the Orders of the Day for the next session:

The Senate Bill observing United States Navy Day (Senate, No. 1904) (the committee on Rules having recommended that the bill be amended by striking out, in lines 4 and 5, the words “, in recognition of Massachusetts as the birthplace of the United States Navy and”.

United States Navy Day.

There being no objection, the rules were suspended, on motion of Mr. Brownsberger, and the bill was read a second time and was amended, as recommended by the committee on Rules.

The bill (Senate, No. 1904, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to the Ware river watershed advisory committee (Senate, No. 2253);

Ware River watershed advisory committee.

There being no objection, the rules were suspended, on motion of Ms. Friedman, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act further regulating the membership on the Ware river watershed advisory committee”.

Sent to the House for concurrence.

The House Bill relative to municipal employees of the towns of Richmond and West Stockbridge acting in relation to intermunicipal agreements (House, No. 3631);

Richmond and West Stockbridge,-- municipal employees.

There being no objection, the rules were suspended, on motion of Mr. Keenan, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act regulating municipal employees of the towns of Richmond and West Stockbridge acting in relation to intermunicipal agreements”.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Paul R. Feeney for legislation to create a Massachusetts rare disease advisory council;

Rare disease,-- advisory council. SD2264

The rules were suspended, on motion of Mr. Pacheco, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Health.

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 4103) of William J. Driscoll, Jr., that the Department of Conservation and Recreation be authorized to establish a memorial bench in Pope John Paul II Park in the city of Boston in memory of Robert M. “Bobby” Mudge;

Robert M. “Bobby” Mudge,-- memorial bench.

Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 4104) of Jennifer E. Benson relative to

Firefighters,--

benefits for certain firefighters;

benefits.

Under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 4105) of Kay Kahn, Cynthia Stone Creem and others that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel land in the city of Newton to said city for affordable housing or general municipal purposes;

Newton,-- land conveyance.

Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

The Senate Bill providing for recall elections in the town of Westport (Senate, No. 2275, amended),-- came from the House passed to be engrossed, in concurrence *with an amendment* in section 2, in line 8, by striking out the following “section 37” (inserted by the Senate committee on Bills in the Third Reading) and inserting in place thereof the following: “sections 37 and 37A”.

Westport,-- recall elections.

The rules were suspended, on motion of Ms. Lovely, and the House amendment was considered forthwith and adopted, in concurrence.

Matters Taken Out of the Notice Section.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows:

The Senate Bill establishing a sick leave bank for Linda Kenney, an employee of the Center for Health Information and Analysis (Senate, No. 2329),-- was read a third time.

Linda Kenney,-- sick leave.

Pending the question on passing the bill to be engrossed, Mr. Rush presented an amendment inserting the following emergency preamble:-

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the center for health information and analysis, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted.

The bill, as amended, was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill establishing a sick leave bank for Thelma J. Williams, an employee of the Massachusetts Commission for the Blind (House, No. 4032),-- **was read a third time and passed to be engrossed, in concurrence.**

Thelma J. Williams,-- sick leave.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Prohibiting the use of mobile gear in certain waters off the coast of the town of Nantucket (Senate, No. 445);

Second reading bills.

Relative to gender neutral redraft of the town charter of Ipswich (Senate, No. 1203);

Relative to the procedure for municipal acceptance of subdivision roads in the town of Hingham (Senate, No. 2242);

Authorizing the town of Townsend to continue the employment of Richard Bailey as police chief (Senate, No. 2260, changed);

To repeal Chapter 404 of the Acts of 2008 (Senate, No. 2263);

to amend the North Andover town charter (Senate, No. 2264);

Relative to the charter of the town of Wareham (Senate, No. 2283);

UNCORRECTED PROOF.

Authorizing the town of Scituate to use certain land for general municipal purposes without Article 97 restrictions on such use (Senate, No. 2300);

Authorizing the town of Norwood to continue the employment of police chief William G. Brooks, III (House, No. 2356);

Establishing the position of treasurer-collector in the town of Hinsdale (House, No. 3679);

Providing for 5 members on the cemetery commission of the town of Westford (House, No. 3694);

Exempting Ryan M. Charette from the maximum age requirement for appointment as a firefighter in the town of Dracut (House, No. 3703);

Relative to the board of selectmen of the town of Northfield (House, No. 3907);

Relative to the town administrator in the town of Fairhaven (House, No. 3968);

Relative to the gender neutral redraft of the home rule charter of the town of Easton (House, No. 3984);

Relative to amending chapter 413 of the Acts of 1991 authorizing the city council of the city of Cambridge to amend chapter 14.04 of the Cambridge municipal code entitled "Fair Housing" (House, No. 3998);

Authorizing the town of Fairhaven to transfer an interest in certain park land (House, No. 4009); and

Amending the charter of the town of Nantucket (House, No. 4011);

Were severally read a second time and ordered to a third reading.

Recess.

There being no objection, at twenty-eight minutes before twelve o'clock, noon, the Chair (Ms. Creem) declared a recess subject to the call of the Chair; and at four minutes before twelve o'clock noon, the Senate reassembled, Ms. Creem in the Chair

Recess.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill relative to educational opportunity for students (Senate, No. 2348),-- was read a second time.

Educational opportunities.

After remarks, pending the question on adoption of the Ways and Means new text, and the main question on ordering the bill to a third reading, Messrs. Tarr, Humason and Brady moved that the proposed new draft be amended by inserting after section _ the following:-

2-R1

"SECTION _ Notwithstanding any general or special law to the contrary reimbursement for transportation by a regional school district as provided under section 16C of chapter 71 shall not be less than 85 percent, and shall increase to 100 percent by fiscal year 2025 in such increments as state revenue permits in a consistent and equitable manner."

After debate, the amendment was *rejected*.

Mr. Tarr, Ms. Chang-Diaz, Ms. Rausch, Ms. Comerford and Mr. Feeney moved that the proposed new draft be amended by striking in line 310 the number:- "10" and inserting in place thereof:- "5".

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After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at six minutes before three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 14 – nays 24) **[Yeas and Nays No. 98]:**

YEAS.

Chang-Diaz, Sonia

Humason, Donald F., Jr.

UNCORRECTED PROOF.

Comerford, Joanne M.
deMacedo, Viriato M.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Gobi, Anne M.

Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Tarr, Bruce E.
Tran, Dean A. – 14.

NAYS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Collins, Nick
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Finegold, Barry R.
Friedman, Cindy F.

Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Welch, James T. – 24.

ABSENT OR NOT VOTING.

Boncore, Joseph A. – 1.

The yeas and nays having been completed at two minutes before three o'clock P.M., the amendment was *rejected*.

Mr. Tarr, Ms. Chang-Diaz, Messrs. Keenan and Feeney moved that the proposed new draft be amended by striking in line 307 the following words:- “Upon action of the general court” and moves to further amend in line 310 by striking the number “10” and inserting in place thereof:- “5”. 8

The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by striking in line 501 the number “75” and inserting in place thereof the following:- “80”. 9

The amendment was *rejected*.

Messrs. Tarr and Moore moved that the proposed new draft be amended by striking in line 468 the number “\$45,793” and inserting in place thereof the following:- “\$34,345”. 10

After remarks, the amendment was *rejected*.

Messrs. Tran and Brady moved that the proposed new draft be amended by inserting the following section:- 11

“SECTION XX: Section 16C of chapter 71 of the General Laws is hereby amended by striking in lines 6-7 the words “to the full extent” and replacing them with the following:- “at least eighty-five percent”; and by further striking in lines 7-8 the words “subject to appropriation”.

The amendment was *rejected*.

Ms. DiZoglio, Messrs. Tarr, O'Connor and Montigny and Ms. Gobi moved that the proposed new draft be amended in Section 17 (a) by adding at the end the following:- “(v) building transparency around campus-level mental health staffing by ensuring all staffing reports to the commission have an accurate and transparent accounting of the number of mental health staff at each campus represented as both a number and ratio of school counselor, psychologist, social worker, and nurse to students, as well as calculation of FTE hours; and ensuring all staffing reports to the commission have an accurate and transparent accounting of the number of school resource officers at each campus; posting the contents of these reports publicly and in accessible languages on campus websites.”. 15

The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting at the end thereof the following new section:-

16

“SECTION _ : Chapter 29 of the General Laws is hereby amended by inserting after section 5B the following section:- Section 5B½. (a) On or before January 15 the secretary of administration and finance shall meet with the house and senate committees on ways and means and shall jointly determine an implementation schedule to fulfill the recommendations filed on November 2, 2015 by the foundation budget review commission established under section 4 of chapter 70. The implementation schedule shall establish a foundation budget as defined in section 2 of said chapter 70 incorporating the categories of tuitioned-out special education rate, assumed in-school special education enrollment, low-income increment, low-income enrollment, foundation benefits, retired employee health insurance and English language learner increment as defined in section 2 of chapter 70 over a period of 7 fiscal years; provided, however, that in the first year of the term of office of a governor who has not served in the preceding year the parties shall determine an implementation schedule not later than January 31 of that year. Said schedule of implementation shall not exceed 7 fiscal years and shall in each fiscal year set the appropriation required to fully fund the foundation budget incorporating the aforementioned categories by fiscal year 2025 in equal increments for each fiscal year. In determining the schedule of implementation, the secretary of administration and finance and house and senate committees on ways and means shall hold a public hearing and receive testimony from the commissioner of elementary and secondary education and other interested parties. The schedule may be amended by agreement of the senate and house ways and means committees in any of the 7 fiscal years to reflect changes in enrollment, inflation, student populations, or other factors that would affect the remaining costs in the schedule; provided, however, that the final year of the schedule shall not surpass fiscal year 2027, but the schedule may be fully implemented prior to fiscal year 2027. The implementation schedule shall be included in a joint resolution and placed before the members of the general court for their consideration. The implementation schedule shall be subject to appropriation.”

After remarks, the amendment was *rejected*.

Ms. DiZoglio and Mr. Tarr moved that the proposed new draft be amended by striking in Section 21, subsection (b), the following:- “and (iv) recommendations for: (A) reorganizing schools and school districts; (B) consolidating administrative, transportation and governance functions; (C) expanding the use of technology to deliver instruction and enable operating efficiencies; and (D) encouraging ways to reduce costs and improve educational outcomes” and inserting in place thereof the following:- “and (iv) recommendations for: A) optimizing schools and school districts; B) promoting governance, administrative and operational efficiencies; and C) encouraging ways to improve fiscal health and educational outcomes.”

18

The amendment was *rejected*.

Ms. Comerford and Mr. Moore moved that the proposed new draft be amended in section 11, by adding after the word “website,” in line 338, the following sentence:- “Based on the reported data, the commissioner shall annually examine if the statutory assumptions of special education enrollment and projected staffing requirements are adequate to meet the actual special education costs and needs of currently enrolled students, and the impact of that assumption on school finances, and provide that examination to the secretary of administration and finance, house and senate committees on ways and means, and the joint committee on education.”

28-R1

After remarks, the amendment was *rejected*.

“SECTION XX. (a) There shall be a Charter School Policy Review Commission to

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study the fiscal and educational impact of the Commonwealth's policy for charter schools and make policy recommendations in the form of legislation for equitably maximizing educational achievement for all students in the Commonwealth.

(b) The members of the commission shall be

(1) The house and senate chairs of the joint committee on education, who shall be co-chairs of the commission;

(2) Two additional members of the senate, one appointed by the senate president, and one appointed by the senate minority leader;

(3) Two additional members of the house of representatives, one appointed by the speaker, and one appointed by the house minority leader;

(4) The commissioner of the department of elementary and secondary education;

(5) A public school teacher appointed by the Massachusetts Teachers Association;

(6) A public school teacher appointed by the American Federation of Teachers, Massachusetts;

(7) A school district superintendent appointed by the Massachusetts Association of School Superintendents;

(8) A representative of the Massachusetts Association of School Committees;

(9) Four local government representatives, including one person appointed by the Massachusetts Municipal Association; and three people appointed by the co-chairs of the commission: one representing a gateway city, one representing a town participating in a regional school district; and one person representing a city or town which spends more than 7 percent of its net education funding on charter schools;

(10) A representative of the Massachusetts Budget and Policy Center;

(11) A representative of a business organization selected by the co-chairs;

(12) A representative of the Massachusetts Charter Public School Association;

(13) Two parents or guardians of children in school, chosen by the Massachusetts PTA, one of whom has a child in a charter school.

(c) The commission shall review state charter school oversight and funding policies, and make policy recommendations, including proposed legislation, for consideration by the General Court. The commission's review shall consider the impact on individual schools and municipalities, on regions of the commonwealth and on the commonwealth as a whole towards equitably maximizing educational achievement for all students in the commonwealth of the following policy questions:

(1) the extent to which charter schools serve a broad diversity of students reflective of the school-age population of the commonwealth, including diversity among the student body in terms of race and ethnic background, poverty level, immigrant status, native language and other factors, and the impact of current funding formulas on districts sending students to charter schools in light of the differences in student population make-up among charter schools and sending districts;

(2) the impact on educational achievement of permitting the granting of additional charters as authorized under section 89 of chapter 71 of the General Laws prior to fully providing the school assistance and charter school funding levels as intended by this act;

(3) how to provide for accountability of charter schools to the public, to local school boards, and to municipal leadership of localities sending students to the school;

(4) the extent to which the current charter reimbursements to sending schools takes into account all of the costs remaining or imposed on the sending school despite the student attending a charter school;

(5) the extent to which charter schools equitable advance the broad education goals of the commonwealth, including educational goals not captured by standardized tests or other achievement metrics;

(6) whether the current charter school funding system sufficiently takes into account

the cost and other impacts on districts of special education students, English learner and low-income students not going to charter school, including the intensity of the needs of the students remaining in a district compared to those going to charter schools;

(7) whether the legislative process for determining charter funding and reimbursement levels appropriately takes into account the total budgetary needs of elementary and secondary education and other state spending priorities, including a consideration of the advantages of allocating charter funding via an independent budgetary line item;

(8) whether state educational and funding policy adequately takes into account the transfer of students from charter schools back to their sending district schools, including students who are suspended or unenrolled from their charter school;

(9) if the current charter funding formula produces an inequitable disparate regional impact.

(e) All meetings of the commission shall comply with sections 18 to 25 of chapter 30A of the General Laws. As part of its deliberations, the commission shall hold at least 4 public hearings, including one in the central and one in the western part of the commonwealth.

(f) The commission may engage an outside group with expertise in municipal finance to conduct research and consult with the commission. Funding for public hearings and for such consulting shall be provided by the department of elementary and secondary education.

(g) The commission shall issue its report no later than 9 months following the enactment of this section. Copies of the report shall be filed with the clerks of the house of representatives and senate, and provided to the committees on education and ways and means.

(h) Notwithstanding section (i) of chapter 89 of the General Laws, the board of elementary and secondary education shall not approve any new charter schools from the date of the enactment of this section until 9 months following the delivery of the report under subsection (g)."

After remarks, the amendment was *rejected*.

Mr. Tran, Ms. Gobi, Mr. Humason, Ms. Comerford, Messrs. Tarr, Moore, Feeney, Montigny and Fattman moved that the proposed new draft be amended moves that the proposed new draft be amended by inserting the following section:-

“SECTION XX: Chapter 71 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after Section 16C the following section:- Section 16C 1/2. The school district shall provide transportation for children and youth experiencing homelessness, as defined by the McKinney-Vento Homeless Assistance Act, and the commonwealth shall reimburse such district the cost to provide said transportation minus the amount of any federal allocation to districts to defray the excess cost of providing transportation to students experiencing homelessness. The state treasurer shall annually, on or before November 20, pay to school districts, subject to appropriation, the sums required for such reimbursement and approved by the commissioner of education. School districts may establish a Homeless Children and Youth School Transportation Reimbursement Fund. Reimbursements made by the commonwealth pursuant to this section may be deposited into the fund and may carry forward for 1 fiscal year. Reimbursements made by the commonwealth pursuant to this section may be deposited into the fund to immediately reimburse the school department for said costs; provided that, any unexpended funds shall be allowed to be carried forward for 1 fiscal year.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-six minutes past three o'clock P.M., on motion of Mr. Tran, as follows, to wit (yeas 13 – nays 25) **[Yeas and Nays No. 99]:**

30

YEAS.

deMacedo, Viriato M.
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Gobi, Anne M.
Humason, Donald F., Jr.
Montigny, Mark C.

Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Tarr, Bruce E.
Tran, Dean A.
Welch, James T. – **13.**

NAYS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Finegold, Barry R.

Friedman, Cindy F.
Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F. – **25.**

ABSENT OR NOT VOTING.

Boncore, Joseph A. – **1.**

The yeas and nays having been completed at half past three o'clock P.M., the amendment was *rejected*.

Ms. Friedman, Messrs. Cyr, Welch, Brady, Eldridge, Moore and Timilty, Ms. Rausch and Mr. Lesser moved that the proposed new draft be amended by inserting after section 2 the following section:-

40-R2

“SECTION 2A. Section 13E of chapter 40 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the word “education”, in line 8, the following words:- and recovery high school programs.”

After remarks, the amendment was adopted.

Ms. Friedman, Messrs. Cyr, Welch, Brady, Keenan, Eldridge, Moore and Timilty, Ms. Rausch and Mr. Lesser moved that the proposed new draft be amended in section 17 by inserting after the definition of “Instructional costs”, in lines 470 to 484, the following definition:-

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“Recovery high school”, a public school or collaborative program as defined in subsection (a) of section 91 of chapter 71.; and

In section 17 by striking out, in lines 485 to 490, the first 3 sentences of subsection (b) and inserting in place thereof the following sentences:- There shall be, subject to appropriation, a special education reimbursement and recovery high school transportation reimbursement program. The program shall reimburse municipalities for: (1) the eligible instructional costs and for the cost of required out-of-district transportation associated with implementing individual education plans of students receiving special education services pursuant to this chapter; and (2) for the cost of required out-of-district transportation associated with students attending a recovery high school. The reimbursements shall be in addition to amounts distributed pursuant to chapter 70 and section 91 of chapter 71 and shall not be included in the calculation of base aid, as defined in said chapter 70, for any subsequent fiscal year.

The amendment was *rejected*.

Ms. Friedman, Messrs. Cyr, Welch, Tarr, Brady, Keenan, Eldridge, Moore and Timilty, Ms. Rausch and Mr. Lesser moved that the proposed new draft be amended by adding the following section:-

42

“SECTION XX. Notwithstanding any general or special law to the contrary, the department of elementary and secondary education, in consultation with the principals of the 5 recovery high schools in the commonwealth, shall examine the costs associated with sending students to a recovery high school, as defined in subsection (a) of section 91 of chapter 71, and shall determine the average cost per pupil at recovery high schools in the commonwealth. The department shall submit its findings to the house and senate committees on ways and means, the joint committee on education, and the joint committee on mental health, substance use and recovery not later than March 1, 2020.”

After remarks, the amendment was adopted.

Messrs. Finegold, O'Connor, Tarr, Keenan, Tran, Welch and Timilty moved that the proposed new draft be amended by striking out, in section 5, in line 153, the words “or (vii) vocational school.”, and inserting in place thereof the following words:- “(vii) early college/innovation pathways; or (viii) vocational school.”; and

47

By striking out, in said section 5, the table in lines 296-297 and inserting in place thereof the following table:-

Table 1: Base Foundation Budget

	Administration	Instructional Leadership	Classroom and Specialist Teachers	Other Teaching Services	Professional Development	Instructional Equipment & Tech	Guidance and Psychological	Pupil Services	Operations and Maintenance	Employee Benefits/Fixed Charges	Special Ed Tuition	Total, all categories
Pre-school	195.97	353.93	1,622.88	416.22	64.18	234.89	188.97	46.96	450.66	745.95	0.00	4,320.21
Kindergarten(half)	195.97	353.93	1,622.88	416.22	64.18	234.89	188.97	46.96	450.66	745.95	0.00	4,320.21
Kindergarten(full)	391.93	707.86	3,245.76	832.47	128.42	469.78	377.95	93.97	901.30	1,491.90	0.00	8,640.53
Elementary	391.93	707.86	3,245.72	832.47	128.42	469.78	377.95	140.93	901.30	1,491.09	0.00	8,687.47
Junior/Middle	391.93	707.86	2,856.25	599.25	139.24	469.78	377.95	230.21	977.13	1,610.72	0.00	8,360.32
High School	391.93	707.86	4,200.34	498.88	135.01	751.65	394.09	530.85	947.43	1,422.01	0.00	9,980.05
Early college/innovative pathways	496.93	834.15	4,305.34	656.38	135.01	856.65	656.89	530.85	947.43	1,610.72	0.00	11,030.05
Vocational	391.93	707.86	7,140.62	498.88	223.21	1,315.37	394.09	530.85	1,773.15	1,789.60	0.00	14,765.96
Special education in-school	2,704.98	0.00	8,925.75	8,333.85	430.57	375.82	0.00	0.00	3,021.59	3,392.84	0.00	27,185.40
Special education tutored-out	3,390.47	0.00	0.00	51.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	32,190.68

The amendment was *rejected*.

Messrs. Timilty and Brady moved that the proposed new draft be amended in section 5, by striking out in line 279 “(b)” and inserting in place thereof the following:- For the purposes of calculating the wage adjustment factor, the town of Easton shall be included in the Boston/Cambridge/Newton labor market.

50

After remarks, the amendment was *rejected*.

Mr. Boncore moved that the proposed new draft be amended by adding the following sections:-

51

“SECTION XX. The first paragraph of subsection (ff) of section 89 of chapter 71 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the word “district” in the last line the following words:- ; however, in calculating a district’s actual net school spending for the purposes of the above foundation spending percentage, a district’s net school spending shall deduct a district’s charter school tuition reimbursement as if fully funded.

SECTION YY. The third paragraph of subsection (ff) of section 89 of said chapter 71, as so appearing, is hereby amended by inserting after the number “70” the following words:- ; however , in calculating a district’s actual net school spending for the purposes of the above foundation spending percentage, a district’s net school spending shall deduct a district’s charter school tuition reimbursement as if fully funded.”

The amendment was *rejected*.

Mr. Keenan moved that the proposed new draft be amended in section 11, by inserting, in line 378 after the word “schools”, the following:- “, schools approved under chapter 71B,”;

54

By inserting, in line 393 after the word “school”, the first time it appears, the following:- “, school approved under chapter 71B,”;

By inserting, in line 396 after the word “schools”, the following:- “, schools approved under chapter 71B,”; and

By inserting, in line 399 after the word “school”, the first time it appears, the following:- “, schools approved under chapter 71B,”.

The amendment was *rejected*.

Messrs. O'Connor and Tarr moved that the proposed new draft be amended by inserting at the end the following:-

55

“SECTION 27. Notwithstanding the provisions of any general or special law to the contrary, each district shall establish a plan to ensure that each enrolled high school student meets with a school counselor or school psychologist at a mandatory minimum of one time per academic year. Each meeting shall allow sufficient time to discuss matters including but not limited to physical, mental, and emotional health, college or career readiness, and academic success. The department of elementary and secondary education shall design and issue guidelines necessary to implement this section and shall receive and approve all plans no later than December 1, 2021.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-one minutes past four o'clock P.M., on motion of Mr. O'Connor, as follows, to wit (yeas 6 – nays 32) **[Yeas and Nays No. 100]**:

YEAS.

deMacedo, Viriato M.
Fattman, Ryan C.
Humason, Donald F., Jr.

O'Connor, Patrick M.
Tarr, Bruce E.
Tran, Dean A. – **6.**

NAYS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.

Gobi, Anne M.
Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Welch, James T. – **32.**

ABSENT OR NOT VOTING.

Boncore, Joseph A. – **1.**

The yeas and nays having been completed at twenty-three minutes past four o'clock P.M., the amendment was *rejected*.

Messrs. O'Connor, Keenan, Moore, Brady and Montigny moved that the proposed new draft be amended by inserting the following:-

57

“SECTION 27. Chapter 69 of the General Laws, as so appearing, is hereby amended by inserting the following new section:-

Section 37. Full-Day Kindergarten Grant Program Notwithstanding any general or special law to the contrary, the department, in coordination with other state agencies, shall develop a comprehensive system, subject to appropriation, for the delivery of reimbursement grants to support the establishment of free full-day kindergarten programs in schools that do not offer full-day kindergarten for free, and to support schools at a financial risk of losing an existing free full-day kindergarten program. Said system shall be designed with the intent to sustainably expand free full-day kindergarten programs to the entire Commonwealth. The department shall promulgate guidelines or regulations for eligibility and timelines to award grants to applicant schools, provided that the grants provide assistance for three consecutive years to reimburse 50% of costs in the first year, 25% of costs in the second year, and 25% of costs in the third year. The department shall finalize said system and promulgate the necessary guidelines or regulations no later than December 1, 2020.”

After remarks, the amendment was *rejected*.

Messrs. Moore, Tran, Hinds and Welch move that the proposed new draft be amended by inserting after section __ the following section:-

58

“SECTION __. Chapter 69 of the General Laws is hereby amended by adding the following section:-

Section 37.

(a) As used in this section, these words shall have the following meanings:

“Department” shall mean the department of elementary and secondary education.

“Employment value” shall mean an assessment of the value of a particular occupation based on the entry wage, growth rate in employment for such occupation, and average annual openings for such occupation.

“Executive Office” shall mean the executive office of labor and workforce development.

(b) The Executive Office shall provide the Department annually with a list of occupations in high need of additional skilled employees, which either require an industry-recognized certification, or for which such a certification will materially enhance a job applicant’s chances for employment and/or compensation. The Executive Office shall rank the list based on employment value. The top 20 per cent of the list shall be deemed occupations of high employment value, provided however that no occupation shall be included on the list if it leads to employment with wages less than 70 per cent of the average annual wage in the commonwealth, unless the certification for such an occupation is stackable to another industry certification and is required for the next level of occupation, which does meet the 70 per cent wage criterion.

The Department shall make the current list available to all school districts in the Commonwealth and to the public on the Department’s website.

(c) Subject to appropriation, the Department shall pay each school district a certification award calculated as follows:

(1) \$750 for each student in the district who earns an industry-recognized certification for an occupation that has high employment value or an industry-recognized certification that is recognized by any public institution of higher learning in the commonwealth as a basis for academic credit in such institution.

(2) \$600 for each student in the district who earns an industry-recognized certification that does not meet the criteria of the previous paragraph but addresses regional demands identified by the local MassHire Workforce Board.

The school district receiving a certification award must allocate at least 80 per cent of any certification award to the school whose students obtained the qualifying certification. The allocation may not be used to supplant funds otherwise provided for the basic operation of the school. The school receiving the certification award allocation must use

the funds to support or maintain the program, including the payment of stipends for instructors and the subsidization of fees for low-income students to obtain the certification.

Subject to appropriation, the Department may pay a certification development award to a school district to support the development of programs to assist students in obtaining the industry-recognized certifications described in paragraph (c)(1) of this section. School districts may use a certification development award to train instructors to prepare students to obtain certification, to obtain equipment and other instructional materials to be used for such preparation, or any other purpose directly related to developing programs to assist students in obtaining a qualifying certification.

(d) The Department shall each year prepare an annual report on the progress made under this section including:

(1) the number of public school students who are seeking certifications for high demand occupations, identifying the number of such students who are low-income, English learners, as defined in section 2 of chapter 71A, and/or Special Education;

(2) the certifications earned by such students, including the number of each such certifications earned; and

(3) an analysis of the extent, if any, to which the funding provided for the program during the year was insufficient to pay the awards under subsection (c).”

The amendment was *rejected*.

Messrs. O'Connor and Tarr moved that the proposed new draft be amended by adding the following section:-

60

“SECTION 27. There shall be a working group within the Massachusetts state senate to review and report on the efficacy of charter school funding in the commonwealth, the implementation of caps on charter school attendance, the financial impacts of charter schools on sending school districts, and other matters related to innovation in charter schools.

The commission shall study and report on: (i) the methods used to fund charter schools in various states and the appropriateness of the approach currently used in the commonwealth, including financing and reimbursement provisions under chapters 70 and 71 of the General Laws, as compared to other states; provided that the commission shall make recommendations for revising the commonwealth’s approach to charter school funding as appropriate; (ii) the extent to which the reimbursement provisions of said chapter 70, said chapter 71 or any other funding mechanism are effective at minimizing the adverse financial impact of charter schools on sending school districts while providing sufficient resources for the successful operation of charter schools; (iii) ways to encourage broader utilization of Horace Mann charter schools; (iv) reasons for the transfer of students from charter schools back to a public school; (v) the differences in special education services provided to students in charter and public schools; (vi) the differences in English Language Learner programs provided to students in charter and public schools and (vii) the percentages of students in charter schools who require special education, receive free and reduced lunch and are English Learners.”

The amendment was *rejected*.

Mr. Collins and Ms. Chang-Diaz moved that the proposed new draft be amended in line 60 by striking the words “student improvement” and inserting in place thereof the following:- “reducing disparities”.

65

The amendment was *rejected*.

Mr. Collins moved that the proposed new draft be amended by inserting at the end thereof the following section:-

66

“SECTION XX. The department of elementary and secondary education shall submit a report to the joint committee on education, the house and senate committees on ways and means, and the clerks of the house and senate examining and making recommendations on

the issue of required in-district transportation associated with implementing individual education plans of students receiving intensive special education services pursuant to chapter 71B. The report shall include, but not be limited to, recommendations relative to: (i) inclusion of the cost of said in-district transportation in the special education reimbursement program, as defined in section 5A of chapter 71B, for districts that offer intensive services for special education students who in other districts would require an out-of-district placement, and (ii) for districts who offer such intensive special education services, means of differentiating between the transportation costs for such students and for students who in other districts would not require an out of district placement. In preparing the report, the department shall consult with: (i) all districts who provide such intensive services and transportation within their district, (ii) the special education parent advisory council in at least one such district, (iii) the Massachusetts Association of School Superintendents, Inc., and (iv) the Massachusetts Association of School Committees, Inc.”.

The amendment was *rejected*.

Recess.

There being no objection, at twenty-five minutes before five o’clock, P.M., the Chair (Mr. Brownsberger) declared a recess subject to the call of the Chair; and, at fourteen minutes before six o’clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill relative to educational opportunity for students (Senate, No. 2348),-- was further considered, the main question being on ordering the bill to a third reading.

Educational opportunities.

Messrs. Feeney and Welch, Ms. Jehlen, Messrs. Pacheco, O’Connor and Brady, Ms. Comerford, Messrs. Timilty, Crighton, Keenan, Eldridge and Hinds, Ms. Rausch and Mr. Montigny moved that the proposed new draft be amended in line 360 by inserting after the word “representatives” the following:- “and 2 labor representatives to be appointed jointly by the presidents of the state’s two largest educator unions”;

14

In line 441 by inserting after the word “Inc.,” the following:- “the Massachusetts Teachers Association; the American Federation of Teachers, Massachusetts;”;

By striking out, in line 551 the figure “4” and inserting in place thereof the following:- “6”; and

In line 553 by inserting after the word “Inc.,” the following:- “1 of whom shall be a representative of the Massachusetts Teachers Association, 1 of whom shall be a representative of the American Federation of Teachers, Massachusetts,”

After remarks, the amendment was *rejected*.

“Section 1R. (a) The commissioner shall establish statewide targets for addressing persistent disparities in achievement among student subgroups in the aggregate and within subcategories consistent with the state plan under the federal Every Student Succeeds Act of 2015. The targets shall include annual benchmarks on the progress expected to be achieved in the aggregate and by subcategory.

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(b) There shall be targets for addressing persistent disparities in achievement among student subgroups for each district. Each district shall develop a 3-year plan that is consistent with district targets. Each district’s plan shall be developed by the superintendent, with the approval of the school committee, and shall consider input and recommendations from parents, including, but not limited to, special education and English learner parent advisory councils, school improvement councils, educators in the school district and other relevant community stakeholders.

(c) The 3-year plan shall be submitted in a form and manner prescribed by the

department and shall include, but not be limited to:

(i) a description of how funds received pursuant to chapter 70, as well as other local, state, federal and grant-based funding sources, will be allocated among schools in the district, by foundation category, to be used in support of the plan; provided, however, that the description shall include an explanation of the relationship between the allocation of the funds and the educational needs of English learners and low-income students;

(ii) a description of the evidence-based programs, supports and interventions that the school district will implement to address persistent disparities in achievement among student subgroups, which may include, but shall not be limited to: (A) expanded learning time in the form of a longer school day or school year; (B) increased opportunity for common planning time for teachers; (C) wraparound services to support students' social-emotional and physical health; (D) hiring school personnel to best support improved student performance; (E) increased or improved professional development; (F) purchase of curriculum materials and equipment that are aligned with the statewide curriculum frameworks; (G) expanding early education and pre-kindergarten programming within the district, including those provided in partnership with community-based organizations; and (H) increasing college and career readiness;

(iii) identification of input resources, outcome metrics and other goals used by the district to measure success in addressing persistent disparities in achievement among student subgroups; provided, however, that the department shall develop standard metrics that may be incorporated in district plans and may include: (A) results from the statewide student assessment, including student growth; (B) results from the English proficiency assessment administered to English learners; (C) grade level completion and attendance data; (D) participation in advanced coursework; and (E) other indicators of district and school climate, diversity and performance, including those developed by the Massachusetts Consortium for Innovative Education Assessment; and

(iv) a description of opportunities offered in the district for parent engagement regarding learning, development and well-being, including, but not limited to, any engagement opportunities or outreach targeted to parents of low-income students, English learners, students receiving special education services or other student subgroups who may benefit from such additional opportunities or outreach; provided, however, that the plan shall also identify specific measures designed to support opportunities for parent engagement.

(d) Each district shall submit its plan to the department every 3 years. Upon receipt of a district plan, the commissioner may recommend plan amendments that ensure that the plan sets forth clear and achievable goals and measurable standards for student improvement that comply with the requirements of this section. The commissioner shall ensure that: (i) each district plan is consistent with any broad or targeted support plan for under-performing or chronically underperforming schools in the district; and (ii) districts make plan amendments necessary to ensure consistency. Following the submission of a 3-year plan, each district shall annually, not later than April 1, submit to the department: (i) relevant data, pursuant to its plan, to assess success in addressing persistent disparities in achievement and opportunity among student subgroups; and (ii) amendments to the plan that are necessary to improve district performance in meeting plan goals. Each plan shall be made publicly available on both the submitting district's website and the department's website.

(e) Annually, not later than December 31, the commissioner shall submit a report to the clerks of the senate and the house of representatives and the joint committee on education on the progress made in addressing persistent disparities in achievement among student subgroups in the aggregate and within subcategories on a statewide basis; provided, however, that district and school level data shall be made available on the department's

website along with the report.

(f) The department may authorize school districts to combine the reporting required in this section with the reporting required from school districts pursuant to section 11.

(g) Nothing in this section shall affect education funds received by districts pursuant to section 2 of chapter 70 or the distribution of education aid or reimbursement funding distributed under sections 2 or 3 of the general appropriations act.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at one minute before six o'clock P.M., on motion of Ms. Rausch, as follows, to wit (yeas 38 – nays 0) [**Yeas and Nays No. 101**]:

YEAS.

Barrett, Michael J.	Hinds, Adam G.
Brady, Michael D.	Humason, Donald F., Jr.
Brownsberger, William N.	Jehlen, Patricia D.
Chandler, Harriette L.	Keenan, John F.
Chang-Diaz, Sonia	Kennedy, Edward J.
Collins, Nick	Lesser, Eric P.
Comerford, Joanne M.	Lewis, Jason M.
Creem, Cynthia Stone	Lovely, Joan B.
Crighton, Brendan P.	Montigny, Mark C.
Cyr, Julian	Moore, Michael O.
deMacedo, Viriato M.	O'Connor, Patrick M.
DiDomenico, Sal N.	Pacheco, Marc R.
DiZoglio, Diana	Rausch, Rebecca L.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Tarr, Bruce E.
Finegold, Barry R.	Timilty, Walter F.
Friedman, Cindy F.	Tran, Dean A.
Gobi, Anne M.	Welch, James T. – 38.

NAYS – 0.

ABSENT OR NOT VOTING.

Boncore, Joseph A. – **1.**

The yeas and nays having been completed at seven minutes past six o'clock P.M., the amendment was adopted.

Messrs. Tarr, O'Connor and Moore moved that the proposed new draft be amended by inserting after section 25 the following section:-

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“SECTION 25A. (a) Notwithstanding any general or special law to the contrary, the Massachusetts School Building Authority, in consultation with the school building advisory board, shall review and provide a report on eligible expenses and reimbursement rates in the school building assistance program.

(b) The report shall include, but not be limited to, an analysis and recommendations.

The analysis shall include but not be limited to: (i) the impact of the maximum grant percentage under the first paragraph of section 10 of chapter 70B of the General Laws on communities adopting certain practices under paragraph (C) of subsection (a) of said section 10 of said chapter 70B; (ii) reimbursement rates per square foot relative to construction costs; (iii) eligible expenses and the efficacy of establishing certain priority for expenses not currently eligible or not currently being adopted at advisable rates including, but not limited to, deleading projects, school safety and security updates and asbestos removal.

The recommendations shall include, but not be limited to, ways to: (i) improve the adoption of best practices in a community that has reached the maximum grant percentage; (ii) increase reimbursement rates per square foot relative to construction costs to better reflect growth in construction costs; and (iii) provide reimbursement for expenses currently incurred but not reimbursed for or to provide certain priority for expenses listed under clause (iii) of the second paragraph of subsection (b). (c) The report, including the analysis, recommendations and any proposed legislation, shall be filed with 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 March 1, 2020.”.

After remarks, the amendment was adopted.

Messrs. Tarr and Humason moved that the proposed new draft be amended by inserting in line 566 after the word, “and” the following:- “if warranted by the findings of the study”.

22

The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting in line 359 after the word “senate” the following:- “1 member to be appointed by the minority leader of the senate”; and by inserting in line 360 after the “representatives” the following:- “1 member to be appointed by the minority leader of the house of representatives”.

23

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting in line 74 after “section 11” the following:- “provided, in developing and implementing any new reporting requirements, the department shall take into account all current reporting requirements and the information included in those requirements, so as to prevent redundancy, minimize unnecessary administrative burdens and cost and maximize efficiency”; and

24

In line 95 after “section 11” the following:- “provided, in developing and implementing any new reporting requirements, the department shall take into account all current reporting requirements and the information included in those requirements, so as to prevent redundancy, minimize unnecessary administrative burdens and cost and maximize efficiency”.

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by striking section 26 and inserting in its place thereof the following:-

25

“SECTION 26. Notwithstanding any general or special laws to the contrary, the per pupil foundation and increment amounts set forth in tables 1 and 2 in section 5 of this act shall be annually incorporated in the general appropriations act in an equitable and consistent manner and shall complete full incorporation by fiscal year 2027 or, based on state revenue growth, not later Fiscal year 2030 in an equitable and consistent manner, subject to appropriation.”

The amendment was *rejected*.

Ms. Comerford, Messrs. Lesser, Eldridge, Hinds and Feeney, Ms. Rausch, Ms. Gobi and Mr. Timilty moved that the proposed new draft be amended in section 20, by striking out, in line 535, the words “and (vi)” and inserting in place thereof the following words:- “(vi) an analysis of the impact of Proposition 2½ on the ability of municipalities to make their required local contributions in the short-term and long-term and recommendations to mitigate the constraints of Proposition 2½; (vii) an analysis of the placement of municipalities in a labor market area for the purpose of determining its wage adjustment factor and the advisability of alternate methods of determining municipality wage adjustment factors; and (viii)”.

27-R1

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-one minutes past six o'clock P.M., on motion of Ms.

Comerford, as follows, to wit (yeas 34 – nays 4) [**Yeas and Nays No. 102**]:

YEAS.

Barrett, Michael J.	Hinds, Adam G.
Brady, Michael D.	Jehlen, Patricia D.
Brownsberger, William N.	Keenan, John F.
Chandler, Harriette L.	Kennedy, Edward J.
Chang-Diaz, Sonia	Lesser, Eric P.
Collins, Nick	Lewis, Jason M.
Comerford, Joanne M.	Lovely, Joan B.
Creem, Cynthia Stone	Montigny, Mark C.
Crighton, Brendan P.	Moore, Michael O.
Cyr, Julian	O'Connor, Patrick M.
DiDomenico, Sal N.	Pacheco, Marc R.
DiZoglio, Diana	Rausch, Rebecca L.
Eldridge, James B.	Rodrigues, Michael J.
Feeney, Paul R.	Rush, Michael F.
Finegold, Barry R.	Tarr, Bruce E.
Friedman, Cindy F.	Timilty, Walter F.
Gobi, Anne M.	Welch, James T. – 34.

NAYS.

deMacedo, Viriato M.	Humason, Donald F., Jr.
Fattman, Ryan C.	Tran, Dean A. – 4.

ABSENT OR NOT VOTING.

Boncore, Joseph A. – **1.**

The yeas and nays having been completed at twenty-four minutes past six o'clock P.M., the amendment was adopted.

Messrs. Moore, O'Connor, Tran, Hinds and Welch move that the proposed new draft be amended in section 4, by inserting after the word “programming”, in line 87, the following words:- “and the percentage of students in internships and earning industry-recognized credentials”;

31-R2

In said section 4, by striking out, in line 87, the word “and”;

In said section 4, in proposed subsection (a) of section 1S of chapter 69, by striking out proposed clause (iii) and inserting in place thereof the following 2 clauses:-

“(iii) post-secondary application, acceptance, remediation, persistence and graduation rates; and

(iv) the percentage of students who, 16 months after their high school graduation, are attending an institution of higher education or another type of educational or training program or are employed with a sustainable wage.”; and

in said section 4, by inserting after the word “development”, in line 93, the following words:- “; provided, however, that the report shall make recommendations on the advisability of establishing statewide and regional targets for student preparedness for workforce and post-secondary education”; and

in section 14, by inserting after the word “outcomes”, in line 386, the following words:- “or increase student preparedness for workforce and post-secondary education”.

After remarks, the amendment was adopted.

Ms. Gobi, Messrs. Humason, Hinds and Lesser moved that the proposed new draft be amended move that the proposed new draft be amended in section 20, by striking out, in line 535, the words “and (vi)” and inserting in place thereof the following words:- “(vi) an analysis of the efficacy of the aggregate wealth model in determining an appropriate

32-R1

target local contribution for communities with populations of not more than 6,500 with high wealth residents; and (vii)”.

The amendment was adopted.

Messrs. Tarr and Moore moved that the proposed new draft be amended by inserting after section _ the following section:-

33

“SECTION _. Notwithstanding any general or special law to the contrary, the department of elementary and secondary education, in partnership with at least 1 public institution of higher education, local educational authorities and private educational providers, shall study the delivery of education and services for students with disabilities pursuant to chapter 71B of the General Laws and all applicable federal laws, including the Individuals with Disabilities Educational Act of 1990 and section 504 of the Rehabilitation Act of 1973, to provide an intersectional understanding of the current delivery of education and services for students with disabilities, best practices and appropriate placement and use for best practices. The study shall include: (i) a consideration of the social and societal impacts on the diagnosis of students with disabilities including, but not limited to, race, ethnicity, gender, immigration status, parents’ education background and socioeconomic status; (ii) a comprehensive evaluation of existing and potential models for providing education and services for students with disabilities, in both inclusive in-district and out-of-district settings and the associated costs and benefits including, but not limited to, the costs of personnel compensation, transportation, housing, specialized services and supports and assistive technologies; and (iii) proposed means by which individualized instruction may be provided in an inclusive manner to all students. The department shall submit its recommendations, together with any proposed legislative necessary to carry those recommendations into effect, by filing the same with the joint committee on education and the clerks of the senate and house of representatives not later than May 1, 2020.”

The amendment was *rejected*.

Messrs. deMacedo and Tarr moved that the proposed new draft be amended in section 4 by striking subsection (d) of Section 1R in its entirety and inserting in place thereof the following:-

34

“(d) (i) Each district shall submit its plan to the Department every 3 years. Upon receipt of a district plan from any district with at least one school that is determined by the commissioner to require assistance or intervention under the Department’s district and school accountability system, the commissioner shall review the plan to ensure that it sets forth clear and achievable goals and measurable standards for student improvement that comply with the requirements of this section; provided, however, that such district shall amend any plan deemed not in compliance. Upon receipt of a district plan from any other district, the commissioner may review the plan to ensure that it sets forth clear and achievable goals and measurable standards for student improvement that may comply with the requirements of this section; provided that such district shall amend any plan deemed not in compliance.

(ii) For any district with at least one school that is determined by the commissioner to require assistance or intervention under the Department’s district and school accountability system, the commissioner must approve the district plan and may require specific changes as a condition of approval. Such districts that do not have approved plans shall not be eligible to receive competitive or discretionary grant funds from the Department. The commissioner may recommend to the board that such a district be declared chronically underperforming under section 1K of chapter 69 if it fails to have an approved plan for more than one school year.

(iii) Following the submission of a 3-year plan, each district shall annually, not later than April 1, submit to the Department: (a) relevant data, pursuant to its plan, to assess

success in addressing persistent disparities in achievement among student subgroups; and (b) amendments to the plan that reflect changes deemed necessary to improve district performance in meeting plan goals. Each plan shall be made publicly available on both the submitting district’s website and the Department’s website.

(iv) For any district that is determined by the commissioner to require assistance or intervention under the Department’s district accountability system, which the commissioner determines is taking insufficient steps to implement its 3-year plan, the commissioner may recommend to the board that the district be declared chronically underperforming under section 1K of chapter 69.”

After debate, the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by striking section 7 in its entirety and inserting in place thereof the following:-

35

“SECTION 7. Section 4 of said chapter 70, as so appearing is hereby amended by striking out the first sentence and inserting in place thereof the following:-There shall periodically but not less than every 5 years be a foundation budget review commission to review the way foundation budgets are calculated and to make recommendations for potential changes in those calculations as the commission deems appropriate.”

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting after section _ the following section:-

36

“SECTION_. Notwithstanding and general or special law to the contrary, the Foundation Budget Review Commission, as defined in section 4 of said chapter 70, will undertake an “adequacy” review of the foundation budget and its various components, functional categories, enrollment categories, and increments no later than 60 days after the passage of this act. Said review shall be completed within twenty-four months of its initiation and shall be submitted to the executive office of education, the department of elementary and secondary education, the clerks of the house and senate, the joint committee on education, and the house and senate committee on ways and means. The department of elementary and secondary education shall provide the necessary resources to the commission to complete the review in a thorough and timely manner.”

After remarks, the amendment was *rejected*.

Ms. Gobi, Messrs. Humason, Welch and Lesser, Ms. Rausch, Ms. Comerford, Messrs. Tarr, Brady, Moore, Hinds and Feeney, Ms. DiZoglio and Mr. Fattman moved that the proposed new draft be amended by inserting the following section:-

37

“SECTION XX. Section 16C of Chapter 71 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking, in lines 7 and 8, the words “, subject to appropriation”, and further by striking, in line 24, the words “, subject to appropriation.”

After remarks, the amendment was *rejected*.

Mr. deMacedo moved that the proposed new draft be amended by inserting the following section:-

43

“SECTION XX. Section 1. Chapter 71 of the General Laws as appearing in the 2018 Official Edition is hereby amended in Section 16C in line 1 by inserting the following after the word “district”:- “and any non-regional city or town district with a geographical area that exceeds 95 square miles,”.

Section 2. Said section is hereby further amended in line 2 by inserting the following word after the word “the”:- “regional”.

Section 3. Said section is hereby further amended in line 2 by inserting the following after the word “agreement”:- “or School Committee Policy of the City or Town”.

Section 4. Said section is hereby further amended in line 3 by inserting the following after the word “regional”:- “, City, or Town”.

Section 5. Said section is hereby further amended in line 4 by inserting the following

after the word “regional”:- “, City, or Town”.

Section 6. Said section is hereby further amended in line 22 by inserting the following after the word “regional”:- “, City, or Town”.

Section 7. Said section is hereby further amended in line 24 by inserting the following after the word “regional”:- “, City, or Town”.

After remarks, the amendment was *rejected*.

Messrs. Finegold, O'Connor and Tarr moved that the proposed new draft be amended by striking out, in section 15, in line 456, the figure “\$750,000,000” and inserting in place thereof the following figure:- “\$800,000,000”.

44

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at five minutes past seven o'clock P.M., on motion of Mr. Finegold, as follows, to wit (yeas 38 – nays 0) **[Yeas and Nays No. 103]:**

YEAS.

- | | |
|--------------------------|------------------------------|
| Barrett, Michael J. | Hinds, Adam G. |
| Brady, Michael D. | Humason, Donald F., Jr. |
| Brownsberger, William N. | Jehlen, Patricia D. |
| Chandler, Harriette L. | Keenan, John F. |
| Chang-Diaz, Sonia | Kennedy, Edward J. |
| Collins, Nick | Lesser, Eric P. |
| Comerford, Joanne M. | Lewis, Jason M. |
| Creem, Cynthia Stone | Lovely, Joan B. |
| Crighton, Brendan P. | Montigny, Mark C. |
| Cyr, Julian | Moore, Michael O. |
| deMacedo, Viriato M. | O'Connor, Patrick M. |
| DiDomenico, Sal N. | Pacheco, Marc R. |
| DiZoglio, Diana | Rausch, Rebecca L. |
| Eldridge, James B. | Rodrigues, Michael J. |
| Fattman, Ryan C. | Rush, Michael F. |
| Feeney, Paul R. | Tarr, Bruce E. |
| Finegold, Barry R. | Timilty, Walter F. |
| Friedman, Cindy F. | Tran, Dean A. |
| Gobi, Anne M. | Welch, James T. – 38. |

NAYS – 0.

ABSENT OR NOT VOTING.

Boncore, Joseph A. – **1.**

The yeas and nays having been completed at eight minutes past seven o'clock P.M., the amendment was adopted.

Ms. Gobi, Messrs. O'Connor, Tarr, Moore, Welch and Timilty moved that the proposed new draft be amended in section 5 by striking out, in line 153, the words “vocational school” and inserting in place thereof the following words:- “vocational program; provided that the board may designate early college programs and innovation pathways at high schools in partnership with employers, community colleges, or other higher education institutions as vocational programs; and further provided that enrollment in such programs shall be eligible for a foundation increment amount as established in section 3(a)”; and

46

In section 5 by inserting after the words “assumed enrollments”, line 289, the following words:- “; provided, however, that the foundation increment amount in table 1 for students enrolled in vocational programs shall equal \$11,030.05 for those students enrolled in vocational programs that have been designated by the board as an early college

or innovation pathway program”.

The amendment was *rejected*.

Mr. Keenan moved that the proposed new draft be amended in section 17, by inserting, in line 441 after the word “Inc.” the following:- “the Massachusetts Association of 766 Approved Private Schools, the Massachusetts Organization of Education Collaboratives;”

52

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting in line 385 after the word “include” the following:- (a)strong institutional leadership, (b) active student engagement in their education; and (c) differentiated instruction.

67

The amendment was *rejected*.

Messrs. Tarr and Fattman moved that the proposed new draft be amended by inserting after section _ the following sections:-

69-R1

“SECTION 1. Chapter 10 of the General Laws as appearing in the 2014 Official Edition is hereby amended by inserting after section 35CCC the following section:-

Section _ . There shall be established and set upon the books of the commonwealth a separate fund to be known as the Learning Innovation for Tomorrow (LIFT) fund, whose purpose shall be to finance the development and implementation of innovation in the public education of students throughout the commonwealth, without regard or preference to any particular geographic location or region of the commonwealth. Amounts shall be credited to the fund pursuant to clause (i), (ii) and (iii) of this section, provided that the fund may be supplemented through appropriation from the general fund or other available sources including but not limited to any interest earned on monies in the fund; any funds from private sources including, but not limited to, gifts, grants and donations received by the commonwealth that are specifically designated to be credited to the fund, provided further that expenditure from the fund shall be made pursuant to a specific line item created to distribute funding by the Department of elementary, and secondary education. Funds shall be expended to defray the costs of this act moves to further amendment by inserting after section _ the following new section:-

(i). Section 64 of Chapter 23k of the general laws as appearing in the 2014 official edition is hereby amended by striking out from line 6-12 the following:- “provided, however that 35 per cent of the funds received shall be appropriated for the purposes of higher education to supplement, not offset, any reduction in the general appropriation act from the previous fiscal year; and provided further, that any expenditures from the fund for K-12 education shall be used to supplement, and not offset, any reduction in line item 7061-0008 of the general appropriation act from the previous fiscal year’s general appropriation act” and inserting in place thereof the following:- “provided, however, that 40 per cent of the funds received shall be appropriated for the purposes of higher education and provided further, that 60 per cent of the funds received shall be appropriated to the implementation of the first year of the foundation budget review commission recommendations.

(ii). Section 10 of Chapter 152 of the Acts of 1997 are hereby amended by inserting in at the end of sub clause (iii) in clause (C) the following:- (iv) Not less than twenty million plus fifty per cent of surplus over required debt service to the implementation of the first year of the foundation budget review commission recommendations.

(iii). Notwithstanding any general or special law to the contrary, prior to transferring the consolidated net surplus in the budgetary funds to the Commonwealth Stabilization Fund under section 5C of chapter 29 of the General Laws, the comptroller shall dispose of the consolidated net surplus in the budgetary funds as follows:

(1) transfer 1/3 of the surplus, not to exceed \$10,000,000, to the Massachusetts Community Preservation Trust Fund established in section 9 of chapter 44B of the General

Laws; (ii) transfer 1/3 of the surplus, not to exceed \$10,000,000, to the Massachusetts Life Sciences Investment Fund established in section 6 of the chapter 23I of the General Laws; and (iii) transfer 1/3 of the surplus, not to exceed \$10,000,000 to the first year of the foundation budget review commission as established by section 4 of chapter 70 recommendations.”

After remarks, the amendment was *rejected*.

The President in the Chair, Messrs. Tarr, Humason, Brady, Fattman and Tran and Ms. Gobi moved that the proposed new draft be amended by inserting after section 25 the following section:-

1-R1

“SECTION 25A. Notwithstanding any general or special law to the contrary, the department of elementary and secondary education shall provide an analysis of funding levels that reimburse municipalities and school districts for education services including, but not limited to, reimbursements related to: (i) transportation costs for regional school districts; (ii) transportation costs associated with children and youth experiencing homelessness, as defined by the McKinney-Vento Homeless Assistance Act of 1987; (iii) special education costs covered under the circuit breaker established pursuant to section 5A of chapter 71B of the General Laws; and (iv) costs eligible for reimbursement related to smart growth programs authorized under chapter 40S. The analysis shall: (i) determine any shortfall between the current funding level and the full statutory obligation; (ii) review the history of reimbursement funding as a share of the full statutory obligation; (iii) project the funding level required to meet the full statutory obligation in each of the next 3 fiscal years; and (iv) include recommendations to ensure that statutory obligated funding is provided.

The analysis shall be submitted to the clerks of the house of representatives and the senate not later than April 15, 2020.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-two minutes past seven o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 38 – nays 0) [**Yeas and Nays No. 104**]:

YEAS.

- | | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Hinds, Adam G. |
| Brady, Michael D. | Humason, Donald F., Jr. |
| Brownsberger, William N. | Jehlen, Patricia D. |
| Chandler, Harriette L. | Keenan, John F. |
| Chang-Diaz, Sonia | Kennedy, Edward J. |
| Collins, Nick | Lesser, Eric P. |
| Comerford, Joanne M. | Lewis, Jason M. |
| Creem, Cynthia Stone | Lovely, Joan B. |
| Crighton, Brendan P. | Montigny, Mark C. |
| Cyr, Julian | Moore, Michael O. |
| deMacedo, Viriato M. | O'Connor, Patrick M. |
| DiDomenico, Sal N. | Pacheco, Marc R. |
| DiZoglio, Diana | Rausch, Rebecca L. |
| Eldridge, James B. | Rodrigues, Michael J. |
| Fattman, Ryan C. | Rush, Michael F. |
| Feeney, Paul R. | Tarr, Bruce E. |
| Finegold, Barry R. | Timilty, Walter F. |
| Friedman, Cindy F. | Tran, Dean A. |
| Gobi, Anne M. | Welch, James T. – 38. |

NAYS – 0.

ABSENT OR NOT VOTING.

Boncore, Joseph A. – 1.

The yeas and nays having been completed at twenty-four minutes past seven o'clock P.M., the amendment was adopted.

Messrs. Tarr, Moore and Fattman moved that the proposed new draft be amended by inserting in line 182 after the number “30” the following:- “in fiscal year twenty twenty and shall increase in a consist and equitable manner to 50 by fiscal year twenty twenty seven”; and

6-R2

In line 187 by inserting after the number “30” the following:- “in fiscal year twenty twenty and shall increase in a consist and equitable manner to 50 by fiscal year twenty twenty seven”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at fourteen minutes before eight o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 11 – nays 27) [**Yeas and Nays No. 105**]:

YEAS.

Brady, Michael D.
deMacedo, Viriato M.
DiZoglio, Diana
Fattman, Ryan C.
Gobi, Anne M.
Humason, Donald F., Jr.

Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Tarr, Bruce E.
Tran, Dean A. – 11.

NAYS.

Barrett, Michael J.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.

Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Welch, James T. – 27.

ABSENT OR NOT VOTING.

Boncore, Joseph A. – 1.

The yeas and nays having been completed at twelve minutes before eight o'clock P.M., the amendment was adopted.

Suspension of Senate Rule 38A.

Ms. Friedman moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Suspension of Senate Rule 38A.

Mr. O'Connor, Ms. Chang-Diaz, Messrs. Tarr, Welch, Keenan, Moore and Kennedy and Ms. Rausch moved that the proposed new draft be amended in section 26 by adding the following paragraph:-

59-R1

“In each fiscal year prior to full incorporation, not later than December 15, the department of elementary and secondary education shall submit a report to the clerks of the house of representatives and senate, the house and senate committees on ways and means and the joint committee on education detailing the status of the phasing in of such amounts; provided, however, that the report shall include, but not be limited to: (i) the final foundation and increment amounts under said section 3 of the general appropriations act from the prior year; (ii) the additional amount necessary to meet the foundation rate and increment amounts under section 3 of chapter 70 of the General Laws, adjusted for inflation; (iii) the amount of aid distributed through item 7061-0008 of the general appropriations act attributable to increases to foundation rates and increments in excess of inflation; (iv) the increase in chapter 70 aid in the upcoming fiscal year necessary to achieve 1/7 of the difference between the foundation and increment amounts under section 3 of chapter 41 of the acts of 2019 and the foundation and increment amounts included in said section 3 of said chapter 70; and (v) the projected amount necessary to satisfy statutory obligations for funding in items 7061-9010 and 7061-0012 of the general appropriations act.”

After remarks, the amendment was adopted.

Ms. Chang-Diaz, Ms. Comerford, Ms. Jehlen, Mr. Eldridge, Ms. Rausch, Messrs. O'Connor, Welch, Kennedy and Crighton moved that the proposed new draft be amended in section 24 by inserting after the figure “2023”, in line 602, the following words:- “; provided, however, that in fiscal year 2023 and any year thereafter, in certifying the consolidated net surplus, the comptroller shall determine if the appropriation for line item 7061-9010 meets the full obligation; and provided further, that if the obligation is not met, the comptroller shall transfer an amount from available funds necessary to fulfill that obligation.”

62-R1

The amendment was adopted.

Mr. Hinds, Ms. Comerford, Ms. Gobi, Messrs. Cyr, Humason and Welch, Ms. DiZoglio, Messrs. Lesser and Feeny moved that the proposed new draft be amended by striking out section 21 and inserting in place thereof the following section:-

64-R1

“SECTION 21. (a) There shall be a special commission to study and make recommendations concerning the long-term fiscal health of rural school districts that are facing or may face declining student enrollment.

The commission shall consist of: the house and senate chairs of the joint committee on education, who shall serve as co-chairs; 1 member who shall be appointed by the minority leader of the senate; 1 member who shall be appointed by the minority leader of the house of representatives; the deputy commissioner of the division of local services within the department of revenue, or a designee; the secretary of the executive office of education, or a designee; 1 member who shall be appointed by and from the Rural Policy Advisory Commission; and 6 members appointed by the governor, 1 of whom shall be a representative of the Massachusetts Association of Regional Schools, Inc., 1 of whom shall be a representative of the Massachusetts Association of School Committees, Inc., 1 of whom shall be a representative of the Massachusetts Teachers Association, 1 of whom shall be a representative of the American Federation of Teachers, Massachusetts; 1 of whom shall be a representative of the Massachusetts Association of School Business Officials, Inc. and 1 of whom shall be a representative of the Massachusetts Association of School Superintendents, Inc. A majority of the commission’s members shall be residents of areas served by rural school districts. Members shall not receive compensation for their services but may receive reimbursement for reasonable expenses incurred in carrying out their responsibilities as members of the commission. The commissioner of elementary and secondary education shall furnish reasonable staff and other support for the work of the commission.

(b) In making its recommendations, the commission shall consider: (i) long-term economic, demographic and student enrollment trends and projections in communities that are rural or experiencing population decline; (ii) long-term fiscal trends in school districts experiencing declining student enrollment; (iii) an analysis of the fiscal health of regional school districts and the impact of regionalization on each contributing municipality, especially in low-income and middle-income areas, including funding impacts on each contributing municipality; (iv) the impact of the rural school aid grant program established in item 7061-9813 of chapter 154 of the acts 2018 and any need to expand the program to address student enrollment decline; and (v) best policies and practices in other states.

The commission shall make recommendations for: (i) improving and expanding the rural school aid grant program and feasibility of including a low and declining student enrollment factor within the existing rural school aid formula; (ii) establishing and including a low and declining student enrollment factor within the foundation budget; (iii) expanding the use of technology to deliver instruction; (iv) enabling operating efficiencies; (v) exploring the use of shared services; (vi) optimizing schools and school districts; (vii) encouraging improvement of fiscal health and educational outcomes (viii) and other matters related to educational opportunities in rural areas subject to the discretion of the commission. The commission shall include with its recommendations any cost estimates and feasibility associated with the commission's recommendations.

The commission shall also consider and incorporate into its recommendations the findings of: (i) the department of elementary and secondary education's 2018 report titled "Fiscal Conditions in Rural School Districts" that was filed pursuant to section 127 of chapter 47 of the acts of 2017; and (ii) the report of the special commission on improving efficiencies relative to student transportation that was filed pursuant to section 77 of chapter 154 of the acts of 2018.

(c) The commission shall hold not less than 5 public meetings and may hold additional hearings and other forums that it considers necessary. The commission shall file its report and recommendations with the clerks of the senate and the house of representatives, the joint committee on education and the rural policy advisory commission not later than December 1, 2020."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at two minutes before eight o'clock P.M., on motion of Ms. Comerford, as follows, to wit (yeas 38 – nays 0) **[Yeas and Nays No. 106]:**

YEAS.

Barrett, Michael J.	Hinds, Adam G.
Brady, Michael D.	Humason, Donald F., Jr.
Brownsberger, William N.	Jehlen, Patricia D.
Chandler, Harriette L.	Keenan, John F.
Chang-Diaz, Sonia	Kennedy, Edward J.
Collins, Nick	Lesser, Eric P.
Comerford, Joanne M.	Lewis, Jason M.
Creem, Cynthia Stone	Lovely, Joan B.
Crighton, Brendan P.	Montigny, Mark C.
Cyr, Julian	Moore, Michael O.
deMacedo, Viriato M.	O'Connor, Patrick M.
DiDomenico, Sal N.	Pacheco, Marc R.
DiZoglio, Diana	Rausch, Rebecca L.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Rush, Michael F.
Feeney, Paul R.	Tarr, Bruce E.

Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Timilty, Walter F.
Tran, Dean A.
Welch, James T. – 38.

NAYS – 0.

ABSENT OR NOT VOTING.

Boncore, Joseph A. – 1.

The yeas and nays having been completed at eight o'clock P.M., the amendment was adopted.

Ms. Chang-Diaz, Ms. Rausch, Ms. Comerford, Messrs. O'Connor, Welch, Eldridge, Kennedy and Feeney moved that the proposed new draft be amended , in section 26, by striking out, in lines 615 and 616, the words “increase foundation and increment amounts over the prior year in an equitable and consistent manner” and inserting in place thereof the following words:- “provide increases relative to full incorporation in a consistent manner, including equitable increases to the foundation and increment amounts over the prior year.”

53-R1

After remarks, the amendment was adopted.

Moment of Silence.

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of Springfield Police Officer Aaron McNab.

Moment of silence.

There being no objection, during the Orders of the Day, the following matter was considered as follows:

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4106) of Michael J. Finn and James T. Welch for legislation to establish a sick leave bank for Kathleen Stone-Harrington, an employee of the Department of Children and Families,-- **was referred in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Kathleen Stone-Harrington,-- sick leave.

Orders of the Day.

The Orders of the Day were further considered as follows:

The Senate Bill relative to educational opportunity for students (Senate, No. 2348), was further considered, the main question being on ordering the bill to a third reading.

Educational opportunities.

Mr. Rodrigues moves that the proposed new draft be amended in section 4, by striking out, in lines 22 and 23 the words “inserting after section 1Q, inserted by section 2 of chapter 438 of the acts of 2018, the following 2 sections” and inserting in place thereof the following words:- “striking out section 1Q, inserted by section 2 of chapter 438 of the acts of 2018, and inserting in place thereof the following 3 sections:-

68-R1

Section 1Q½. (a) Financial literacy standards established pursuant to section 1D shall promote an understanding of personal finances including, but not limited to: (i) loans; (ii) interest and interest accrual; (iii) credit card debt; (iv) online commerce; (v) rights and responsibilities of renting or buying a home; (vi) saving, investing and planning for retirement; (vii) the role of banking and financial services; (viii) balancing a checkbook; (ix) state and federal taxes; (x) charitable giving; (xi) evaluating media content, including online content, that relates to personal finance matters; and (xii) saving, investing and planning for higher education or professional training.

(b) A school district, charter school, approved private day or residential school or collaborative school may incorporate the financial literacy standards established pursuant to section 1D and subsection (a) into existing curriculum including, but not limited to,

mathematics, history and social sciences, technology or business.

(c) The department shall make resources available to school districts, charter schools, approved private day or residential schools and collaborative schools to assist in the selection of materials and curriculum on personal financial literacy. The department shall identify and offer information on resources for professional development activities and instruction on personal financial literacy. The department may consult with private or non-profit experts in the field of behavioral science or related disciplines and government stakeholders to identify such resources.

(d) The department may apply for federal, state or other funding, including funding available through the Economic Empowerment Trust Fund established pursuant to section 35QQ of chapter 10, to implement this section.

(e) Upon the action of the general court, there shall periodically be a review by the department relative to the implementation of the financial literacy standards, including a study of financial literacy programs being offered in the commonwealth to students in kindergarten to grade 12. The general court may direct the commissioner to consult with the office of the state treasurer to, subject to appropriation, convene a working group consisting of educators experienced in teaching curriculum related to financial literacy or personal finance, and any individuals or organizations the department deems relevant with expertise in financial services, including, but not limited to, banking, borrowing and consumer protection. The review shall include a report on best practices and recommended improvements to the financial literacy standards. The report shall be submitted to the clerks of the house of representatives and the senate and the joint committee on education.”;

In section 5, in proposed subsection (a) of section 2 of chapter 70, by striking out the definition of “Minimum aid” and inserting in place thereof the following definition:-

“Minimum aid”, the greater of: (i) the difference between a district’s minimum aid adjustment and base aid; and (ii) a district’s foundation enrollment multiplied by a per-pupil dollar amount specified annually in the general appropriations act, but which shall not be less than \$30, which shall be the minimum aid increment above base aid.”;

In said section 5, in the proposed row titled “Special Ed tuitioned-out” of table 1 of subsection (a) of section 3 of chapter 70, by striking out the figure “3,390.47” and inserting in place thereof the following figure:- “3,450.56”;

In said section 5, in said proposed row titled “Special Ed tuitioned-out” of table 1 of subsection (a) of section 3 of chapter 70, by striking out the figure “51.80” and inserting in place thereof the following figure:- “52.71”;

In said section 5, in said proposed row titled “Special Ed tuitioned-out” of table 1 of subsection (a) of section 3 of chapter 70, by striking out the figure “32,190.68” and inserting in place thereof the following figure:- “32,761.24”;

In said section 5, in said proposed row titled “Special Ed tuitioned-out” of table 1 of subsection (a) of section 3 of chapter 70, by striking out the figure “35,632.95” and inserting in place thereof the following figure:- “36,264.51”;

In section 14, in proposed subsection (d) of proposed section 16 of chapter 70, by inserting after the word “Twenty-First”, in line 378, the following word:- “Century”;

In section 24, by striking out, in lines 600 to 602, inclusive, the words “all eligible costs”, each time they appear, and inserting in place thereof the following words:- “the total eligible state obligation”.

The amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

The bill (Senate, No. 2350, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at eleven minutes past eight o’clock P.M., on motion of Ms. Chang-Diaz, as

follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 107]:

YEAS.

- | | |
|--------------------------|-------------------------|
| Barrett, Michael J. | Humason, Donald F., Jr. |
| Brady, Michael D. | Jehlen, Patricia D. |
| Brownsberger, William N. | Keenan, John F. |
| Chandler, Harriette L. | Kennedy, Edward J. |
| Chang-Diaz, Sonia | Lesser, Eric P. |
| Collins, Nick | Lewis, Jason M. |
| Comerford, Joanne M. | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cyr, Julian | O'Connor, Patrick M. |
| deMacedo, Viriato M. | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rausch, Rebecca L. |
| DiZoglio, Diana | Rodrigues, Michael J. |
| Eldridge, James B. | Rush, Michael F. |
| Fattman, Ryan C. | Spilka, Karen E. |
| Feeney, Paul R. | Tarr, Bruce E. |
| Finegold, Barry R. | Timilty, Walter F. |
| Friedman, Cindy F. | Tran, Dean A. |
| Gobi, Anne M. | Welch, James T. — 39. |
| Hinds, Adam G. | |

NAYS — 0.

ABSENT OR NOT VOTING.

Boncore, Joseph A. — 1.

The yeas and nays having been completed at thirteen minutes past eight o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments [For text of Senate amendments, see Senate, No. 2365, printed as amended].

Sent to the House for concurrence in the amendment,

Order Adopted.

On motion of Ms. Lovely--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Time of Meeting.

Adjournment in Memory of Springfield Police Officer Aaron McNab.

The Senator from Hampden, Mr. Welch, and the Senator from Hampden and Hampshire, Mr. Lesser, moved that when the Senate adjourns today it do so in memory of Springfield Police Officer Aaron McNab.

Springfield Police Officer Aaron McNab passed away in a swimming accident in Vermont on August 2, 2019, at the age of 30.

Officer McNab grew up in West Springfield, went to West Springfield High, and graduated with his Bachelor's and Master's in Science from American International College.

He began his career as a corrections officer at Willard Cybulski Correctional Institute in Enfield Connecticut. He graduated from the Springfield Police Academy in November 2018. Aaron was beyond honored to be a part of the Springfield Police Force, it was his

biggest accomplishment and he was incredibly proud. He had always dreamed of becoming a police officer.

Aaron was the ultimate team player in everything he was a part of. An accomplished athlete, the epitome of a leader taking on the role of captain for all of his high school teams including football, basketball, and lacrosse. He was an All-American athlete in both high school and college for lacrosse. Aaron's true passion was helping others.

In addition to his girlfriend Julia Clayton and puppy child, Abby, Aaron leaves behind his loving parents Tamara and David Dallasta, his sister Marissa McNab, his brothers Ryan Dallasta and Brennan Dallasta, his grandmother, grandfather, aunts, uncles, and many nieces and nephews.

People naturally gravitated towards Aaron and his infectious personality. He connected with many people in all walks of life, and could literally talk to anyone.

His funeral service was held on Thursday, August 8 at Grace Lutheran Church in Springfield. He will be greatly missed by the people he loved, his family, and his close friends.

Accordingly, as a mark of respect in memory of Aaron McNab, at fifteen minutes past eight o'clock P.M., on motion of Ms. Jehlen, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.