

# SENATE . . . . . No. 2412

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## The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court  
(2019-2020)

SENATE, November 19, 2019.

Report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments to the Senate Bill relative to educational opportunity for students (Senate, No. 2365) (amended by the House by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4145),-- reports, a "Bill relative to educational opportunity for students" (Senate, No. 2412).

For the Committee:

Jason M. Lewis

Michael J. Rodrigues

Patrick M. O'Connor

Alice Hanlon Peisch

Paul F. Tucker

Kimberly N. Ferguson

**SENATE . . . . . No. 2412**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act relative to educational opportunity for students.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after  
2 section 35MMM, inserted by section 9 of chapter 41 of the acts of 2019, the following section:-

3           Section 35NNN. (a) There shall be a Twenty-First Century Education Trust Fund that  
4 shall be administered by the commissioner of elementary and secondary education in  
5 consultation with the Twenty-First Century Education Advisory Council, established in section  
6 16 of chapter 70, for the purpose of addressing persistent disparities in achievement among  
7 student subgroups, improving educational opportunities for all students, sharing best practices  
8 for improving classroom learning and supporting efficiencies within and across school districts.  
9 The fund shall be credited with: (i) appropriations, bond proceeds or other money authorized or  
10 transferred by the general court and specifically designated to be credited to the fund; (ii) funds  
11 from public and private sources, including, but not limited to gifts, grants and donations; and (iii)  
12 any interest earned on such money. Revenues deposited in the fund that are unexpended at the  
13 end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in

14 the following fiscal year. No expenditure made from the fund shall cause the fund to become  
15 deficient at any point.

16 (b) Annually, not later than December 1, the commissioner shall submit a report detailing  
17 expenditures from the trust fund to the clerks of the house of representatives and the senate, the  
18 chairs of the house and senate committees on ways and means and the chairs of the joint  
19 committee on education.

20 SECTION 2. Chapter 15 of the General Laws is hereby amended by inserting after  
21 section 1 the following section:-

22 Section 1½. The definitions in section 2 of chapter 70 shall apply to this chapter.

23 SECTION 3. Section 13E of chapter 40 of the General Laws, as appearing in the 2018  
24 Official Edition, is hereby amended by inserting after the word “education”, in line 8, the  
25 following words:- and recovery high school programs.

26 SECTION 4. Chapter 69 of the General Laws is hereby amended by inserting after  
27 section 1 the following section:-

28 Section 1½. The definitions in section 2 of chapter 70 shall apply to this chapter.

29 SECTION 5. Said chapter 69 is hereby further amended by striking out section 1Q,  
30 inserted by section 2 of chapter 438 of the acts of 2018, and inserting in place thereof the  
31 following 3 sections:-

32 Section 1R. (a) Financial literacy standards established pursuant to section 1D shall  
33 promote an understanding of personal finances including, but not limited to: (i) loans; (ii) interest  
34 and interest accrual; (iii) credit card debt; (iv) online commerce; (v) rights and responsibilities of

35 renting or buying a home; (vi) saving, investing and planning for retirement; (vii) the role of  
36 banking and financial services; (viii) balancing a checkbook; (ix) state and federal taxes; (x)  
37 charitable giving; (xi) evaluating media content, including online content, that relates to personal  
38 finance matters; and (xii) saving, investing and planning for higher education or professional  
39 training.

40 (b) A school district, charter school, approved private day or residential school or  
41 collaborative school may incorporate the financial literacy standards established pursuant to  
42 section 1D and subsection (a) into existing curriculum including, but not limited to, mathematics,  
43 history and social sciences, technology or business.

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

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

53 (e) Upon the action of the general court, there shall periodically be a review by the  
54 department relative to the implementation of the financial literacy standards, including a study of  
55 financial literacy programs being offered in the commonwealth to students in kindergarten to  
56 grade 12. The general court may direct the commissioner to consult with the office of the state

57 treasurer to, subject to appropriation, convene a working group consisting of educators  
58 experienced in teaching curriculum related to financial literacy or personal finance and any  
59 individuals or organizations the department deems relevant with expertise in financial services,  
60 including, but not limited to, banking, borrowing and consumer protection. The review shall  
61 include a report on best practices and recommended improvements to the financial literacy  
62 standards. The report shall be submitted to the clerks of the house of representatives and the  
63 senate and the joint committee on education.

64           Section 1S. (a) The commissioner shall establish statewide targets for addressing  
65 persistent disparities in achievement among student subgroups in the aggregate and within  
66 subcategories, including, but not limited to, subject matter and relevant grade levels. The targets  
67 shall include annual benchmarks on the progress expected to be achieved in the aggregate and by  
68 subcategory.

69           (b) Each district shall establish targets for addressing persistent disparities in achievement  
70 among student subgroups consistent with the targets established by the department. Each district  
71 shall develop an evidence-based 3-year plan to meet its targets. Each district's plan shall be  
72 developed by the superintendent in consultation with the school committee and shall consider  
73 input and recommendations from parents and other relevant community stakeholders, including  
74 but not limited to, special education and English learner parent advisory councils, school  
75 improvement councils and educators in the school district.

76           (c) The 3-year plan shall be submitted in a form and manner prescribed by the department  
77 and shall include, but not be limited to:

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

84 (ii) a description of the evidence-based programs, supports and interventions that the  
85 school district will implement to address persistent disparities in achievement among student  
86 subgroups, including, but not limited to: (A) expanded learning time in the form of a longer  
87 school day or school year; (B) increased opportunity for common planning time for teachers; (C)  
88 social services to support students' social-emotional and physical health; (D) hiring school  
89 personnel that best support improved student performance; (E) increased or improved  
90 professional development; (F) purchase of curriculum materials and equipment that are aligned  
91 with the statewide curriculum frameworks; (G) expanding early education and pre-kindergarten  
92 programming within the district in consultation or in partnership with community-based  
93 organizations; (H) diversifying the educator and administrator workforce; (I) developing  
94 additional pathways to strengthen college and career readiness; and (J) any other program  
95 determined to be evidence-based by the commissioner; provided, however, that if a district elects  
96 not to implement the evidence-based programs described in clauses (A) to (I), inclusive, the  
97 district plan shall specify the reasons for electing not to implement said programs including a  
98 description of why said programs would not effectively address persistent disparities in  
99 achievement among student subgroups;

100 (iii) identification of outcome metrics to be used by the district to measure success in  
101 addressing persistent disparities in achievement among student subgroups; provided, however,  
102 that the department shall develop standard metrics that may be incorporated in district plans and  
103 may include: (A) results from the statewide student assessment including student growth; (B)  
104 results from the English proficiency assessment administered to English learners; (C) grade-level  
105 completion and attendance data; (D) participation in advanced coursework; and (E) other  
106 indicators of district and school climate, diversity and performance; and

107 (iv) a description of how the district will effectuate and measure increased parent  
108 engagement, including, but not limited to, specific plans targeted to parents of low-income  
109 students, English learners and students with disabilities.

110 (d) Each district shall submit its plan to the department every 3 years. Upon receipt of a  
111 district plan, the commissioner shall review the plan to ensure that it sets forth clear and  
112 achievable goals and measurable standards for student improvement that comply with the  
113 requirements of this section; provided, however, that the district shall amend any plan deemed  
114 not to conform with the requirements of this section. Following the submission of a 3-year plan,  
115 each district shall annually, not later than April 1, submit to the department: (i) relevant data,  
116 pursuant to its plan, to assess success in addressing persistent disparities in achievement among  
117 student subgroups; and (ii) amendments to the plan that reflect changes deemed necessary to  
118 improve district performance in meeting plan goals. Each plan shall be made publicly available  
119 on both the submitting district's website and the department's website.

120 (e) Annually, not later than December 31, the commissioner shall submit a report to the  
121 clerks of the house of representatives and the senate and the chairs of the joint committee on  
122 education on the progress made in addressing persistent disparities in achievement among

123 student subgroups in the aggregate and within subcategories on a statewide basis; provided,  
124 however, that district and school-level data shall be made available on the department's website  
125 along with the report.

126 (f) The department may authorize school districts to combine the reporting required in  
127 this section with the reporting required from school districts pursuant to section 1I.

128 (g) The department shall ensure that annual reports and accountability plans submitted by  
129 charter schools pursuant to 603 CMR 1.00 contain data consistent with the requirements set forth  
130 in this section.

131 Section 1T. (a) The secretary of education, in consultation with the data advisory  
132 commission established in section 17 of chapter 70 and in conjunction with each public school  
133 district, the department of elementary and secondary education, the department of higher  
134 education and other relevant state agencies, shall collect and make publicly available data on  
135 student preparedness for workforce and post-graduate success by school district and high school.  
136 The data shall provide information on the success of students in completing coursework,  
137 matriculating to post-secondary education or training coursework, completing post-secondary  
138 coursework or training and entering the workforce. The data collected and made publicly  
139 available shall include, but not be limited to:

140 (i) student access to high quality instruction and coursework, including, but not limited  
141 to, the number of students enrolled in: (A) a MassCore curriculum; and (B) advanced placement  
142 coursework;



143 (ii) student participation rates in college and career readiness programming and the  
144 percentage of students in internships and earning industry-recognized credentials;

145 (iii) postsecondary application, acceptance, persistence and graduation rates at  
146 Massachusetts public higher education institutions and, to the extent that relevant data are  
147 available, private institutions of higher education and out-of-state public institutions of higher  
148 education; and

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

152 (b) Annually, not later than December 31, the secretary shall report on student  
153 preparedness for workforce and post-graduate success by school district and high school,  
154 including any factors that limit access to any programs indicated in this section, to the clerks of  
155 the house of representatives and the senate, the chairs of the joint committee on education and  
156 the chairs of the joint committee on labor and workforce development.

157 (c) The department may authorize school districts to combine the reporting required in  
158 this section with the reporting required from school districts pursuant to section 1I.

159 SECTION 6. Chapter 70 of the General Laws is hereby amended by striking out sections  
160 2 and 3, as appearing in the 2018 Official Edition, and inserting in place thereof the following 2  
161 sections:-

162 Section 2. (a) As used in this chapter and in chapters 15, 69 and 71, the following words  
163 shall, unless the context clearly requires otherwise, have the following meanings:

164 “Assumed in-school special education enrollment”, 4 per cent of the total foundation  
165 enrollment in a district, not including vocational or preschool enrollment, plus 5 per cent of  
166 vocational school enrollment.

167 “Assumed tuitioned-out special education enrollment”, 1 per cent of the total foundation  
168 enrollment in a district, not including vocational or preschool enrollment.

169 “Base aid”, in a fiscal year, the amount of chapter 70 school aid provided to the district in  
170 the prior fiscal year.

171 “Board”, the board of elementary and secondary education.

172 “Chapter 70 school aid”, for each district, the greater of: (i) foundation aid; or (ii) the sum  
173 of base aid and minimum aid; provided, however, that no nonoperating district shall receive  
174 chapter 70 school aid in an amount greater than its foundation budget.

175 “Combined effort yield”, the sum of: (i) a municipality’s equalized property valuation  
176 multiplied by the uniform property percentage; and (ii) its municipal income multiplied by the  
177 uniform income percentage.

178 “Commissioner”, the commissioner of elementary and secondary education.

179 “Department”, the department of elementary and secondary education.

180 “District” or ”School district”, the school department of a city or town, a regional school  
181 district, an independent vocational school or a vocational school or agricultural school operated  
182 by a county.

183 “Effort reduction percentage”, the percentage of excess effort to be reduced in a given  
184 fiscal year, as specified annually in the general appropriations act, and applied to each  
185 municipality with excess effort in the calculation of the required local contribution.

186 “English learner”, as defined in section 2 of chapter 71A; provided, however, that for the  
187 purpose of determining a district’s foundation budget, a district’s English learner enrollment  
188 shall include the number of English learner students attending school in a district regardless of  
189 residence or tuition-paying status plus the number of English learner students that the district is  
190 sending to charter schools.

191 “Equalized property valuation”, the most recent equalized property valuation for a  
192 municipality as determined by the department of revenue pursuant to sections 9, 10 and 10C of  
193 chapter 58.

194 “Excess effort”, a municipality’s preliminary local contribution minus its target local  
195 contribution; provided, however, that “excess effort” shall not be less than 0.

196 “Foundation aid”, for each district, the difference between the district’s foundation  
197 budget and the required local contribution.

198 “Foundation allotments”, the sum of the foundation category costs for each district;  
199 provided, however, that the sum in each foundation category shall be the product of enrollment  
200 in each foundation enrollment category that is eligible for the respective foundation category and  
201 the per-pupil rate assigned to each foundation category; provided further, that in each year the  
202 per-pupil rate for each foundation category, except employee benefits and fixed charges, shall  
203 not be less than the prior year’s foundation per-pupil rate adjusted by the foundation inflation  
204 index; and provided further, that in each year the rate for employee benefits and fixed charges  
205 shall not be less than the prior year’s rate adjusted by the foundation employee benefits inflation  
206 rate.

207 “Foundation budget”, the sum of the foundation allotments for the following foundation  
208 categories: (i) administration; (ii) instructional leadership; (iii) classroom and specialist teachers;

209 (iv) other teaching services; (v) professional development; (vi) instructional materials, equipment  
210 and technology; (vii) guidance and psychological services; (viii) pupil services; (ix) operations  
211 and maintenance; (x) employee benefits and fixed charges; and (xi) special education tuition.

212 “Foundation employee benefits inflation rate”, the average annual rate of growth of the  
213 average premium of all group insurance commission plans over the 3 prior fiscal years as  
214 calculated by the group insurance commission.

215 “Foundation enrollment”, in a fiscal year, the number of students on October 1 for whom the  
216 district is financially responsible, including students attending programs outside of the district for  
217 whom the district is required to pay tuition; provided, however, that each student shall be  
218 assigned to 1 of the following categories: (i) preschool; (ii) kindergarten, half-time; (iii)  
219 kindergarten, full-time; (iv) elementary school; (v) junior high school or middle school; (vi) high  
220 school; or (vii) vocational school.

221 “Foundation increments”, the additional resources provided for the education of students  
222 designated as English learners or low-income; provided, however, that the increments shall be  
223 constituted by the product of a district’s foundation enrollment deemed eligible for such  
224 increments and the amounts assigned for each foundation category; provided further, that for  
225 low-income students the amount of the foundation increment shall be determined by the low-  
226 income group into which each district is assigned; provided further, that districts shall be  
227 assigned low-income groups based on the share of low-income students in the district; and  
228 provided further, that the share of low-income students in the district shall be the quotient of: (i)  
229 the district’s low-income enrollment as calculated under this section; and (ii) the sum of the  
230 number of students attending school in a district, regardless of residence and tuition paying  
231 status, and the number of students that the district is sending to charter schools.

232 “Foundation inflation index”, the lesser of: (i) the ratio of the value of the implicit price  
233 deflator for state and local government purchases in the third quarter of the prior fiscal year to its  
234 value in the third quarter of the fiscal year 2 years prior; and (ii) 1.045.

235 “General revenue sharing aid”, the amount of assistance from the commonwealth to a city or  
236 town in a fiscal year from: (i) payments in lieu of taxes for state-owned land; and (ii) amounts  
237 appropriated in items 1233-2350 and 1233-2400 in the annual general appropriations act.

238 “Low-income”, a designation for those students whose family’s income is not more than 185  
239 per cent of the federal poverty guidelines used to determine financial eligibility for certain  
240 federal programs; provided, however, that if a consistent and accurate method for determining  
241 the income eligibility of all students is not available for all districts, the department shall develop  
242 a method to estimate the share of low-income students in each district; provided further, that the  
243 department shall submit a report to the clerks of the house of representatives and the senate, the  
244 chairs of the joint committee on education and the chairs of the house and senate committees on  
245 ways and means on any estimation method not later than November 1 prior to the  
246 implementation of any new estimation method in the following fiscal year; and provided further,  
247 that for the purpose of determining a district’s foundation budget, a district’s low-income  
248 enrollment shall include the number of low-income students attending school in a district  
249 regardless of residence or tuition-paying status plus the number of low-income students that the  
250 district is sending to charter schools.

251 “Minimum aid”, the greater of: (i) a district’s minimum aid adjustment less its base aid; and  
252 (ii) a district’s foundation enrollment multiplied by a per-pupil dollar amount specified annually

253 in the general appropriations act, but which shall not be less than \$30, which shall be the  
254 minimum aid increment above base aid.

255 “Minimum aid adjustment”, in each fiscal year, the sum of: (i) the greater of a district’s  
256 foundation aid or base aid calculated using the base and incremental rates set forth in section 3 of  
257 chapter 41 of the acts of 2019 using the foundation inflation index as defined in section 2 of  
258 chapter 70; and (ii) a district’s foundation enrollment multiplied by \$30.

259 “Municipal income”, the most recent aggregate personal income for a municipality as  
260 determined by the department of revenue.

261 “Municipal revenue growth factor”, the change in local general revenues calculated by  
262 subtracting 1 from the quotient calculated by dividing the sum of: (i) the maximum levy for the  
263 fiscal year estimated by multiplying the levy limit of the prior fiscal year by a factor equal to  
264 102.5 per cent plus the average of the percentage increases in the levy limit due to new growth  
265 adjustments over the last 3 available years as certified by the department of revenue or as  
266 otherwise estimated by the division of local services within the department of revenue where it  
267 appears that a municipality may not be entitled to increase its minimum levy limit by 2.5 per  
268 cent; provided, however, that if the highest percentage during such 3-year period exceeds the  
269 average of the other 2 years’ percentages by more than 2 percentage points, then the lowest 3 of  
270 the last 4 years shall be used for such calculation; (ii) the amount of general revenue-sharing aid  
271 for the fiscal year; and (iii) other budgeted recurring receipts, not including user fees or other  
272 charges determined by the division of local services to be associated with the provision of  
273 specific municipal services for the prior fiscal year, by the sum of: (A) the actual levy limit for  
274 the prior fiscal year; (B) the amount of general revenue-sharing aid received for the prior fiscal  
275 year; and (C) other recurring receipts, not including user fees or other charges determined by the

276 division of local services to be associated with the provision of specific municipal services  
277 budgeted by the municipality for the fiscal year preceding the prior fiscal year, if any; provided  
278 further, that for the purposes of this calculation, the levy limit shall exclude any amounts  
279 generated by overrides applicable to any year after the fiscal year ending June 30, 1993; provided  
280 further, that in the absence of an actual levy limit for the prior fiscal year, the actual levy limit  
281 for the prior fiscal year shall be estimated by multiplying the actual levy limit of the fiscal year  
282 preceding the prior fiscal year by a factor equal to 102.5 per cent plus the average of the  
283 percentage increases in the levy limit due to new growth as specified above; provided further,  
284 that such factor shall not be greater than the factor determined by subtracting 1 from the quotient  
285 calculated by dividing total state school aid for the current fiscal year by total state school aid for  
286 the prior fiscal year; and provided further, that in making any calculations required by this  
287 definition, the division of local services may substitute more current information or such other  
288 information as would produce a more accurate estimate of the change in a municipality's general  
289 local revenues and the department shall use such growth factor to calculate preliminary  
290 contribution, minimum contribution and any other factor that directly or indirectly uses the  
291 municipal growth factor.

292 "Net school spending", the total amount spent for the support of public education,  
293 including tuition payments for children residing in the district who attend a school in another  
294 district or other approved facility, including a charter school, determined without regard to  
295 whether such amounts are regularly charged to school or nonschool accounts by the municipality  
296 for accounting purposes; provided, however, that "net school spending" shall not include any  
297 spending for school construction, long-term debt service, school meals, transportation of students  
298 to and from their homes or adult and community learning programs; provided further, that "net

299 school spending” shall not include expenditures from grants, other state aid programs, tuition  
300 revenue or revenue from activities, admissions and other charges or any other revenue  
301 attributable to public education; provided further, that such revenue shall be made available to  
302 the school district that generated the revenue in addition to any financial resources made  
303 available by municipalities or from state assistance; provided further, that the department, in  
304 consultation with the department of revenue, shall promulgate regulations to ensure a uniform  
305 method of determining which municipal expenditures are appropriated for the support of public  
306 education and which revenues are attributable to public education in accordance with this  
307 chapter; and provided further, that the regulations shall include provisions for resolving disputes  
308 that may arise between municipal and school officials.

309 “Preliminary local contribution”, the product of: (i) a municipality’s required local  
310 contribution for the prior fiscal year; and (ii) the sum of the municipality’s municipal revenue  
311 growth factor and 1.

312 “Required local contribution”, a municipality’s preliminary local contribution; provided,  
313 however, that if the preliminary local contribution is greater than the target local contribution,  
314 then the preliminary local contribution shall be reduced by the product of its excess effort and the  
315 effort reduction percentage; provided further, that if the preliminary local contribution as a  
316 percentage of the foundation budget is between 2.5 and 7.5 percentage points below the target  
317 local share, then the preliminary local contribution shall be increased by 1 per cent; provided  
318 further, that if the preliminary local contribution as a percentage of the foundation budget is more  
319 than 7.5 percentage points below the target local share, then the preliminary local contribution  
320 shall be increased by 2 per cent; provided further, that in a municipality with a combined effort  
321 yield equal to or greater than 175 per cent of its foundation budget, the required local



322 contribution shall not be less than 82.5 per cent of the municipality's foundation budget; and  
323 provided further, that the commissioner shall allocate each municipality's required local  
324 contribution among the districts to which the municipality belongs and such allocation shall be in  
325 proportion to each district's share of the municipality's foundation budget.

326 "Required net school spending", the sum of a district's chapter 70 school aid and its  
327 required local contribution.

328 "Target local contribution", the lesser of: (i) a municipality's combined effort yield; or  
329 (ii) 82.5 per cent of its total foundation budget.

330 "Target local share", the percentage of each municipality's foundation budget represented  
331 by its target local contribution.

332 "Total state target local contribution", the per cent of the total state foundation budget  
333 which is to be funded through required local contributions, provided that the per cent shall be  
334 specified annually in the general appropriations act but shall not exceed 59 per cent.

335 "Uniform income percentage", a factor calculated annually by the commissioner so that  
336 the total statewide municipal income multiplied by the uniform income percentage is equal to  
337 half of the total state target local contribution.

338 "Uniform property percentage", a factor calculated annually by the commissioner so that  
339 the total state equalized property valuation multiplied by the uniform property percentage is  
340 equal to half of the total state target local contribution.

341 "Wage adjustment factor", an adjusted difference between the average annual wage for  
342 all jobs in the labor market area in which a municipality is located and the average annual wage

343 in the commonwealth; provided, however, that average annual wage figures shall be published  
344 annually by the division of employment and training; provided further, that the wage adjustment  
345 factor shall be the sum of: (i) 1; and (ii) a fraction, the numerator of which shall be the product  
346 of: (A)  $\frac{1}{3}$  and the difference resulting from subtracting the average annual wage in the  
347 commonwealth from the average annual wage of the community; and (B) the denominator of  
348 which shall be the average annual wage in the commonwealth; provided further, that the average  
349 annual wage of the community shall be the sum of: (a) 0.8 multiplied by the average annual  
350 wage for all jobs in the labor market area in which the municipality is located; and (b) 0.2  
351 multiplied by the average annual wage of the municipality; and provided further, that the “wage  
352 adjustment factor” shall not be less than 1.

353 (b) The board shall promulgate regulations as needed to implement this section. The  
354 board shall submit any regulations to the house and senate committees on ways and means and  
355 the joint committee on education not less than 60 days before adoption. The joint committee on  
356 education shall review and may comment on these regulations during that time period.

357 Section 3. (a) There shall be a foundation budget for the school district in each  
358 municipality, regional school district, independent vocational school and vocational school and  
359 agricultural school operated by a county.

360 The foundation budget shall be calculated based on each district’s foundation enrollment  
361 for the prior fiscal year. Foundation budgets shall be based on the per pupil amounts in table 1  
362 and the foundation increment amounts in table 2; provided, however, that the special education  
363 in-school and special education tuitioned-out enrollments shall be assumed enrollments.  
364 Beginning in fiscal year 2021 and in each year thereafter, the employee benefits and fixed  
365 charges allotments shall be adjusted by the foundation employee benefits inflation rate and all

366 other foundation allotments and foundation increments shall be adjusted by the foundation  
 367 inflation index.

368 Each district’s wage adjustment factor shall be applied to all of the foundation allotments  
 369 except the allotments for instructional materials, equipment and technology, employee benefits  
 370 and fixed charges and special education tuition.

*Table 1: Base Foundation Budget Amounts*

	Administration	Instructional Leadership	Classroom & Specialist Teachers	Other Teaching Services	Professional Development	Instructional Materials, Equipment & Technology	Guidance & Psychological	Pupil Services	Operations & 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	745.55	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	745.55	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	1,491.09	0.00	8,640.53
Elementary	391.93	707.86	3,245.72	832.47	128.44	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
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	14,765.56
Special Ed 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 Ed tuitioned-out	3,450.56	0.00	0.00	52.71	0.00	0.00	0.00	0.00	0.00	0.00	32,761.24	36,264.51

371 For each student identified as being low-income or an English learner, the increments in  
 372 the following table shall be added to each foundation allotment.

*Table 2: Incremental Foundation Budget Amounts*

	Administration	Instructional Leadership	Classroom & Specialist Teachers	Other Teaching Services	Professional Development	Instructional Materials, Equipment & Technology	Guidance & Psychological	Pupil Services	Operations & Maintenance	Employee Benefits/Fixed Charges	Special Ed Tuition	Total, all categories
EL PK-5	100.50	175.87	1,231.05	175.87	50.24	125.61	75.37	25.13	301.48	276.36	0.00	2,537.49
EL 6-8	107.79	188.62	1,320.30	188.62	53.89	134.72	80.84	26.95	323.34	296.39	0.00	2,721.46
EL High School	129.34	226.35	1,584.36	226.35	64.66	161.66	97.00	32.34	388.01	355.67	0.00	3,265.74
0-5.99% Low-income	47.77	226.34	2,209.55	0.00	107.20	16.43	89.47	464.92	0.00	357.41	0.00	3,519.10
6-11.99% Low-income	50.76	240.49	2,347.65	0.00	113.90	17.46	95.06	493.98	0.00	379.75	0.00	3,739.05
12-17.99% Low-income	53.74	254.64	2,485.75	0.00	120.60	18.49	100.66	523.04	0.00	402.09	0.00	3,958.99

18-23.99% Low- income	56.73	268.78	2,623.85	0.00	127.30	19.51	106.25	552.09	0.00	424.43	0.00	4,178.94
24-29.99% Low- income	59.71	282.93	2,761.94	0.00	134.00	20.54	111.84	581.15	0.00	446.77	0.00	4,398.88
30-35.99% Low- income	66.88	316.88	3,093.38	0.00	150.07	23.01	125.26	650.89	0.00	500.38	0.00	4,926.75
36-41.99% Low- income	74.05	350.83	3,424.81	0.00	166.15	25.47	138.68	720.63	0.00	553.99	0.00	5,454.61
42-47.99% Low- income	81.21	384.78	3,756.24	0.00	182.23	27.94	152.10	790.36	0.00	607.60	0.00	5,982.48
48-53.99% Low- income	88.38	418.74	4,087.68	0.00	198.31	30.40	165.52	860.10	0.00	661.21	0.00	6,510.34
54-69.99% Low- income	95.54	452.69	4,419.11	0.00	214.39	32.87	178.94	929.84	0.00	714.83	0.00	7,038.21
70-79.99% Low- income	107.49	509.27	4,971.50	0.00	241.19	36.97	201.31	1,046.07	0.00	804.18	0.00	7,917.98
80%+ Low- income	119.43	565.86	5,523.89	0.00	267.99	41.08	223.68	1,162.30	0.00	893.53	0.00	8,797.76

373

374 (b) The board shall promulgate regulations as needed to implement this section. The board shall  
375 submit any regulations to the senate and house committees on ways and means and the joint  
376 committee on education not less than 60 days before adoption. The joint committee on education  
377 shall review and may comment on these regulations during that time period.

378 SECTION 7. Section 3A of said chapter 70, as so appearing, is hereby amended by  
379 striking out the last sentence.

380 SECTION 8. Section 4 of said chapter 70, as so appearing, is hereby amended by striking  
381 out the first sentence and inserting in place thereof the following sentence:-

382 Upon action of the general court, there shall be a foundation budget review commission  
383 to review the way foundation budgets are calculated and to make recommendations for potential  
384 changes in those calculations as the commission deems appropriate; provided, however, that the  
385 commission shall be established not less than every 10 years.

386 SECTION 9. Section 5 of said chapter 70 is hereby repealed.

387 SECTION 10. Said chapter 70 is hereby further amended by striking out section 6, as  
388 appearing in the 2018 Official Edition, and inserting in place thereof the following section:-

389 Section 6. In addition to the amounts appropriated for long-term debt service, school  
390 meals, adult education, student transportation and tuition revenue, each municipality shall  
391 annually appropriate for the support of public schools in the municipality in an amount not less  
392 than the net school spending requirement. Each municipality shall also appropriate not less than  
393 its minimum required local contribution for each regional school district to which the  
394 municipality belongs.

395 The commissioner shall estimate and report such amounts to each municipality and  
396 regional school district as early as possible, but not later than March 1, for the following fiscal  
397 year and shall revise such estimates within 30 days following the enactment of the general  
398 appropriations act.

399 Notwithstanding the terms of any regional school district agreements to the contrary, no  
400 regional school district shall be required to submit a budget to its members before receiving the  
401 commissioner's initial estimate. Each regional school district budget shall provide for not less  
402 than the net school spending requirement. The district may choose to spend additional amounts;  
403 provided, however, that such decisions shall be made and such amounts charged to members  
404 according to the district's regional agreement.

405 SECTION 11. Section 7 of said chapter 70 is hereby repealed.

406 SECTION 12. Said chapter 70 is hereby further amended by striking out sections 9 and  
407 10, as appearing in the 2018 Official Edition, and inserting in place thereof the following 2  
408 sections:-

409           Section 9. Each school district shall report district and school level data to the  
410 commissioner, in a form and manner prescribed by the commissioner, on expenditures and  
411 staffing for each foundation category. The reports shall provide actual spending for each  
412 foundation category. The reports shall be made publicly available on the department's website.

413           Section 10. Subject to appropriation, each municipality, regional school district,  
414 independent vocational school and county operating an agricultural school or vocational school  
415 shall receive chapter 70 school aid as provided in this chapter. Tuition payments required  
416 pursuant to section 89 of chapter 71 and section 12B of chapter 76 shall be deducted from such  
417 aid.

418           SECTION 13. Section 12 of said chapter 70 is hereby repealed.

419           SECTION 14. Said chapter 70 is hereby further amended by striking out section 13, as  
420 appearing in the 2018 Official Edition, and inserting in place thereof the following section:-

421           Section 13. If the amount appropriated for chapter 70 school aid in a fiscal year is less  
422 than the amount prescribed in sections 2 and 3, priority shall be given to funding foundation aid.

423           SECTION 15. Said chapter 70 is hereby further amended by adding the following 2  
424 sections:-

425           Section 16. (a) There shall be a Twenty-First Century Education Program to address  
426 persistent disparities in achievement among student subgroups, improve educational  
427 opportunities for all students, share best practices for improving classroom learning and support  
428 efficiencies within and across school districts. The commissioner may expend funds from the

429 Twenty-First Century Education Trust Fund established in section 35NNN of chapter 10 for this  
430 program.

431 (b) There shall be a Twenty-First Century Education Advisory Council, which shall  
432 consist of 6 members: 4 of whom shall be appointed by the governor; 1 of whom shall be  
433 appointed by the president of the senate; and 1 of whom shall be appointed by the speaker of the  
434 house of representatives. The members of the advisory council shall have diverse expertise with  
435 demonstrated success in at least 1 of the following areas: (i) addressing disparities in  
436 achievement among student subgroups; (ii) serving as educator or administrator in a school with  
437 a high percentage of low-income students; (iii) improving educational outcomes through  
438 implementation of nontraditional programming in classrooms; (iv) replicating effective,  
439 evidence-based practices for ensuring student academic success; or (v) evaluating the success of  
440 educational approaches designed to address disparities in achievement among student subgroups.

441 (c) The commissioner shall consult with the Twenty-First Century Education Advisory  
442 Council on implementation of the Twenty-First Century Education Program consistent with this  
443 section.

444 The advisory council shall, from time to time, make recommendations to the  
445 commissioner on the improvement of the design, oversight or implementation of the program.

446 The advisory council may receive and consider reports and input from expert individuals,  
447 educators, school administrators, parents, community-based organizations, voluntary education  
448 organizations and other relevant public and private organizations recognized as having expertise  
449 consistent with this section.

450 (d) There shall be a competitive grant program developed and administered by the  
451 commissioner for all public schools and school districts. The commissioner may expend funds  
452 from the Twenty-First Century Education Trust Fund, hereinafter the trust fund, established in  
453 section 35NNN of chapter 10 for this grant program. All grant applications shall include: (i) an  
454 evaluation plan, including identification of the researcher or organization responsible for ongoing  
455 evaluation; (ii) a statement of the expected impact; (iii) a preliminary estimate of the cost of the  
456 intervention; (iv) identification of a comparison group for the purpose of assessing effectiveness;  
457 and (v) a mechanism for determining how the proposal may be effectively replicated.

458 In approving grant applications, the commissioner may give preference to applications  
459 that include: (A) evidence-based educational approaches to address persistent disparities in  
460 student achievement that improve student outcomes or increase student preparedness for  
461 workforce and post-secondary education; provided, however, that preference shall be given to  
462 applications that are submitted by schools or districts with a high percentage of low-income  
463 students and English learners, which may include schools or districts implementing turnaround  
464 plans; and (B) approaches to increase efficiencies and educational program quality within and  
465 across school districts; provided, however, that preference shall be given to applications  
466 submitted by schools or districts in rural areas with low or declining enrollment.

467 The commissioner may provide funds and other resources to districts as needed to ensure  
468 that every public school and school district has the opportunity to apply for grants; provided,  
469 however, that the commissioner may provide funds and other resources to assist in the  
470 development of grant applications for public schools implementing turnaround plans.



471 (e) Public schools and school districts awarded funds pursuant to this section shall work  
472 with the commissioner to: (i) analyze the effectiveness of their initiatives; and (ii) participate in  
473 the replication of effective evidence-based practices for public schools.

474 (f) A public school or school district that is awarded funds pursuant to this section may  
475 submit a written request for a waiver of 1 or more provisions of the education regulations of the  
476 commonwealth to permit the school or school district to initiate programs, schedules or services  
477 that shall improve student learning. The commissioner may grant a regulatory waiver if the  
478 commissioner: (i) determines the waiver is necessary to support the proposed initiative; and (ii)  
479 notifies the board of elementary and secondary education not less than 30 days prior to acting on  
480 any such waiver request.

481 (g) Money in the trust fund may be used to support the replication of effective practices  
482 and the dissemination of best practices generated through the competitive grant program and  
483 turnaround efforts that have been proven to address persistent disparities in achievement among  
484 student subgroups.

485 (h) Annually, not later than December 1, the commissioner shall submit a report detailing  
486 expenditures from the trust fund to the clerks of the senate and house of representatives, the  
487 chairs of the senate and house committees on ways and means and the chairs of the joint  
488 committee on education.

489 Section 17. (a) There shall be a data advisory commission to promote the improved use of  
490 state, district and school-level data to inform effective resource allocations at the district and  
491 school levels.

492           The data advisory commission shall assist the department in identifying, analyzing and  
493 making recommendations on high-impact, cost-effective data strategies for assessing student  
494 needs and addressing persistent disparities in achievement, including, but not limited to:

495           (i) establishing a data collection and reporting system to: (A) track funding allocated for  
496 low-income students and students identified as English learners pursuant to chapter 71A and  
497 ensure spending is targeted to the intended populations; and (B) allow for access to school-level  
498 expenditures and data across all districts to inform the public and policy-makers of high impact,  
499 cost-effective school-level interventions and investments;

500           (ii) strengthening the department's capacity to analyze and report staffing, scheduling and  
501 financial data in ways that support strategic resource allocation decisions at the district and  
502 school levels, including a review of national best practice models that ensure greater financial  
503 transparency;

504           (iii) strengthening district capacity to use state, district and school-level data to inform  
505 strategic resource allocation and implementation decisions; and

506           (iv) streamlining data reporting, eliminating duplicative reporting requirements and  
507 improving data quality.

508           (b) The data advisory commission shall consist of: the commissioner of elementary and  
509 secondary education, who shall serve as chair; the secretary of education, or a designee; 1  
510 member to be appointed by each of the following organizations, all of whom shall have  
511 demonstrated knowledge, experience and interest in data collection and analysis for the purpose  
512 of improving student performance: the Massachusetts Association of School Committees, Inc.;  
513 the Massachusetts Association of School Superintendents, Inc.; the Massachusetts School

514 Administrators Association, Incorporated; the Massachusetts Association of School Business  
515 Officials, Inc.; the Massachusetts Association of Vocational Administrators, Inc.; the  
516 Massachusetts Association of Regional Schools, Inc.; and the Massachusetts Business Alliance  
517 for Education, Inc.; and 4 members to be appointed by the commissioner, 1 of whom shall be a  
518 teacher in a district of not less than 15,000 students who has experience in an underperforming or  
519 chronically underperforming school that has utilized data to successfully improve student  
520 performance, 1 of whom shall be a parent of a student currently enrolled at a kindergarten,  
521 elementary school, middle school or junior high school or high school in the commonwealth and  
522 2 of whom shall have professional experience and knowledge in the area of data collection,  
523 quality and usage in establishing education policy and improving student outcomes.

524 (c) The data advisory commission shall report annually, not later than December 1, on its  
525 progress to the board of elementary and secondary education; provided, however, that the report  
526 shall be made publicly available on the department's website.

527 SECTION 16. Chapter 70B of the General Laws is hereby amended by striking out  
528 section 7, as appearing in the 2018 Official Edition, and inserting in place thereof the following  
529 section:-

530 Section 7. There shall be a limit on the estimated amount of grants approved by the  
531 authority during a fiscal year. For fiscal year 2020, the limit shall be \$800,000,000. For each  
532 fiscal year thereafter, the limit shall be the limit for the previous fiscal year plus the lower of: (i)  
533 the rate of growth in the dedicated sales tax revenue amount as defined in subsection (a) of  
534 section 35BB of chapter 10; or (ii) 4.5 per cent.

535 SECTION 17. Chapter 71 of the General Laws is hereby amended by inserting after  
536 section 1 the following section:-

537 Section 1½. The definitions in section 2 of chapter 70 shall apply to this chapter.

538 SECTION 18. Section 5A of chapter 71B of the General Laws, as appearing in the 2018  
539 Official Edition, is hereby amended by striking out subsections (a) to (c), inclusive, and inserting  
540 in place thereof the following 3 subsections:-

541 (a) For the purposes of this section, the following words shall have the following  
542 meanings:

543 “Approved costs threshold”, \$45,793 in fiscal year 2020 and adjusted by the foundation  
544 inflation index, as defined in section 2 of chapter 70, in each subsequent year.

545 “Instructional costs”, only those costs directly attributable to providing the special  
546 education services in the student’s individual education plan, such as salary of educational  
547 personnel, salary of related services personnel, costs for specialized books, materials or  
548 equipment, tuition costs if the student is receiving services from other than the local public  
549 school, consultant costs if directly attributable to the student’s instructional program and  
550 instructional costs of extended day or year services if such services are a part of the individual  
551 education plan; provided, however, that such costs shall be prorated as appropriate to reflect  
552 group activities or costs for part-time services; provided further, that “instructional costs” shall  
553 not include transportation costs, administrative or overhead costs, the costs of adapting  
554 classrooms or materials that are used by more than 1 student, the costs of fringe benefits of  
555 personnel employed by the school district or the costs associated with evaluation, development  
556 of the individual education plan or service coordination for the student with disabilities; and

557 provided further, that “instructional costs” for the purposes of this reimbursement program shall  
558 not include the salary of personnel providing educational services when such services are not  
559 specially designed instruction for the student with disabilities.

560 (b) There shall be, subject to appropriation, a special education reimbursement program.  
561 The program shall reimburse municipalities for the eligible instructional costs and for the cost of  
562 required out-of-district transportation associated with implementing individual education plans  
563 of students receiving special education services pursuant to this chapter. The reimbursements  
564 shall be in addition to amounts distributed pursuant to chapter 70 and shall not be included in the  
565 calculation of base aid, as defined in said chapter 70, for any subsequent fiscal year. Charter  
566 schools shall receive reimbursements under this section in the same manner as districts.

567 The department shall promulgate regulations to define, consistent with this section, the  
568 costs associated with implementing individual education plans for pupils that shall be eligible for  
569 reimbursement under the program.

570 (c) Instructional and transportation costs eligible for reimbursement under the program  
571 shall be reported by a school district to the department in a form and manner as prescribed by the  
572 commissioner. For each such school district, the department shall review the report and approve  
573 those per pupil instructional and transportation costs that are eligible for reimbursement pursuant  
574 to the program not less than 30 days after the date of submission. Based upon the approved costs,  
575 the department shall calculate the reimbursement due to a municipality. The costs of programs  
576 shall be reimbursed at 75 per cent of all the instructional and transportation costs that exceed the  
577 approved costs threshold.

578 Notwithstanding the preceding paragraph, the reimbursement rate for students who have  
579 no parent or guardian living in the commonwealth and for any school age child placed in a  
580 school district other than a home town by, or under the auspices of, the department of transitional  
581 assistance or the department of children and families shall be 100 per cent of all instructional and  
582 transportation costs that exceed the approved costs threshold.

583 SECTION 19. Said section 5A of said chapter 71B, as so appearing, is hereby further  
584 amended by adding the following subsection:-

585 (h) If in a fiscal year the amount appropriated pursuant to this section is less than the  
586 amount prescribed in subsection (c), then priority shall be given to instructional costs.

587 SECTION 20. Section 14 of said chapter 71B is hereby repealed.

588 SECTION 21. (a) The division of local services within the department of revenue and the  
589 department of elementary and secondary education shall jointly conduct a study and report on the  
590 equity, predictability and accuracy of the method of determining each municipality's ability to  
591 contribute toward education funding and the calculation of each municipality's required local  
592 contribution as defined in section 2 of chapter 70 of the General Laws; provided, however, that  
593 the division and the department shall solicit public comment.

594 (b) Not later than December 1, 2020, the division of local services within the department  
595 of revenue and the department of elementary and secondary education shall file a report with the  
596 clerks of the senate and the house of representatives, the chairs of the joint committee on  
597 education and the chairs of the senate and house committees on ways and means.

598           The report shall include, but not be limited to: (i) a summary of target aid share and local  
599 contribution changes first instituted in chapter 139 of the acts of 2006 and their impact on the  
600 equity, predictability and accuracy of the method of determining required local contribution and  
601 target local share; (ii) a survey of changes in municipal required local contribution as a share of  
602 the foundation budget from fiscal year 2006 to fiscal year 2020, inclusive, for districts of  
603 different target share levels, including a review of the number of communities with a maximum  
604 local contribution of 82.5 per cent of the foundation budget; (iii) an assessment of the impact of  
605 enrollment demographics, including districts with flat or declining enrollment, on the distribution  
606 of chapter 70 school aid and the relationship between target local share and the chapter 70 school  
607 aid share of the foundation budget; (iv) an analysis of the accuracy in the calculation of  
608 municipal combined effort yield and the municipal revenue growth factor in determining a  
609 municipality's ability to contribute; (v) an analysis of the impact of statewide increases to the  
610 foundation budget on target local share and required local contribution; (vi) an analysis of the  
611 impact of Proposition 2½ on the ability of municipalities to make their required local  
612 contributions in the short-term and long-term and recommendations to mitigate the constraints of  
613 Proposition 2½; (vii) an analysis of the placement of municipalities in a labor market area for the  
614 purpose of determining their wage adjustment factor and the advisability of alternate methods of  
615 determining municipality wage adjustment factors; and (viii) an assessment of the impact of the  
616 82.5 per cent maximum local contribution of foundation on the equity of required local  
617 contributions and the distribution of chapter 70 school aid.

618           The report shall also make recommendations to refine or revise the method of  
619 determining required local contribution, the maximum required local contribution as a  
620 percentage of the foundation budget and the target state share of statewide foundation budget and

621 other elements of the chapter 70 school aid formula to improve equity, predictability and  
622 accuracy.

623 SECTION 22. (a) There shall be a special commission to study and make  
624 recommendations concerning the long-term fiscal health of rural school districts that are facing  
625 or may face declining student enrollment.

626 The commission shall consist of: 1 member who shall be appointed by the president of  
627 the senate, who shall serve as co-chair; 1 member who shall be appointed by the speaker of the  
628 house of representatives, who shall serve as co-chair; 1 member who shall be appointed by the  
629 minority leader of the senate; 1 member who shall be appointed by the minority leader of the  
630 house of representatives; the deputy commissioner of the division of local services within the  
631 department of revenue or a designee; the secretary of education or a designee; the commissioner  
632 of elementary and secondary education or a designee, 1 member who shall be appointed by and  
633 from the Rural Policy Advisory Commission; and 7 members appointed by the governor, 1 of  
634 whom shall be a representative of the Massachusetts Association of Regional Schools, Inc., 1 of  
635 whom shall be a representative of the Massachusetts Association of School Committees, Inc., 1  
636 of whom shall be a representative of the Massachusetts Teachers Association, 1 of whom shall  
637 be a representative of the American Federation of Teachers, Massachusetts; 1 of whom shall be a  
638 representative of the Massachusetts Association of School Business Officials, Inc., 1 of whom  
639 shall be a representative of the Massachusetts Association of School Superintendents, Inc. and 1  
640 of whom shall be a researcher from a public university with expertise in the area of rural school  
641 policy. A majority of the commission's members shall be residents of areas served by rural  
642 school districts. Members shall not receive compensation for their services but may receive  
643 reimbursement for reasonable expenses incurred in carrying out their responsibilities as members



644 of the commission. The commissioner of elementary and secondary education shall furnish  
645 reasonable staff and other support for the work of the commission.

646 (b) In making its recommendations, the commission shall consider: (i) long-term  
647 economic, demographic and student enrollment trends and projections in communities that are  
648 rural or experiencing population decline; (ii) long-term fiscal trends in school districts  
649 experiencing declining student enrollment; (iii) an analysis of the fiscal health of regional school  
650 districts and the impact of regionalization on each contributing municipality, especially in low-  
651 income and middle-income areas, including funding impacts on each contributing municipality;  
652 (iv) the impact of the rural school aid grant program established in item 7061-9813 of chapter  
653 154 of the acts 2018 and any need to expand the program to address student enrollment decline;  
654 and (v) best policies and practices in other states.

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

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

670           (c) The commission shall hold not less than 5 public meetings and may hold additional  
671 hearings and other forums that it considers necessary. The commission shall file its report and  
672 recommendations with the clerks of the senate and the house of representatives, the chairs of the  
673 joint committee on education and the rural policy advisory commission not later than December  
674 1, 2020.

675           SECTION 23. (a) Notwithstanding subsection (d) of section 1S of chapter 69 of the  
676 General Laws, each school district shall submit its first 3-year plan pursuant to said subsection  
677 (d) of said section 1S of said chapter 69 to the department of elementary and secondary  
678 education not later than April 1, 2020.

679           (b) The first annual report submitted pursuant to subsection (b) of section 1T of said  
680 chapter 69 shall assess the availability of the information identified in said section 1T of said  
681 chapter 69 and set forth a plan to: (i) enable the collection and dissemination of the information  
682 by district and school; and (ii) collect consistent higher education application, acceptance,  
683 persistence and graduation rate data for students graduating from public schools in the  
684 commonwealth; provided, however, that the report shall make recommendations to establish  
685 statewide and regional targets for student preparedness for workforce and postsecondary  
686 education, including, but not limited to, annual benchmarks for increasing rates reported  
687 pursuant to subsection (a) of said section 1T of said chapter 69.

688 SECTION 24. Notwithstanding section 2 of chapter 70 of the General Laws, the  
689 department of elementary and secondary education shall submit a report to the chairs of the joint  
690 committee on education and the chairs of the senate and house committees on ways and means  
691 recommending a method for estimating the number of low-income students, consistent with the  
692 definition of “low-income” in said section 2 of said chapter 70, not later than November 1, 2020  
693 for use in fiscal year 2022; provided, however, that the report may also assess the impact of the  
694 method for estimating the number of low-income students on the organization of districts into  
695 low-income groups; and provided further, that in fiscal year 2021, the number of low-income  
696 students in each district shall be the greater of: (i) the current direct certification count  
697 implemented by the department; or (ii) the share of the low-income students based on such  
698 measure used in section 3 of chapter 46 of the acts of 2015 applied to the foundation enrollment  
699 for the district.

700 SECTION 25. Notwithstanding any general or special law to the contrary, appropriations  
701 for reimbursements to certain cities, towns and regional school districts of charter school tuition  
702 and the per-pupil capital needs component included in the charter school tuition amount for  
703 commonwealth charter schools as calculated under subsections (ff) and (gg) of section 89 of  
704 chapter 71 of the General Laws shall be made in accordance with the following funding  
705 schedule: (i) not less than 75 per cent of the total eligible state obligation in fiscal year 2021; (ii)  
706 not less than 90 per cent of the total eligible state obligation in fiscal year 2022; and (iii) not less  
707 than 100 per cent of the total eligible state obligation in fiscal year 2023.

708 SECTION 26. Notwithstanding any general or special law to the contrary, in fiscal year  
709 2023 and any year thereafter, or upon completion of the funding schedule set forth in section 25  
710 of this act, while certifying the consolidated net surplus in the budgetary funds to the

711 Commonwealth Stabilization Fund pursuant to section 5C of chapter 29 of the General Laws, the  
712 comptroller shall consult with the commissioner of elementary and secondary education to  
713 determine if the appropriation for line item 7061-9010 meets the full obligation under subsection  
714 (gg) of section 89 of chapter 71 of the General Laws. If the obligation is not met, the comptroller  
715 shall, prior to transferring funds under said section 5C of said chapter 29, transfer an amount  
716 from available funds necessary to fulfill that obligation as calculated by the commissioner of  
717 elementary and secondary education.

718 SECTION 27. Notwithstanding any general or special law to the contrary, required out-  
719 of-district transportation costs associated with implementing individual education plans of  
720 students receiving special education services shall be eligible for reimbursement under section  
721 5A of chapter 71B of the General Laws in accordance with the following schedule: (i) 25 per  
722 cent of all required out-of-district transportation costs eligible for reimbursement in fiscal year  
723 2021; (ii) 50 per cent of all required out-of-district transportation costs eligible for  
724 reimbursement in fiscal year 2022; (iii) 75 per cent of all required out-of-district transportation  
725 costs eligible for reimbursement in fiscal year 2023; and (iv) 100 per cent of all required out-of-  
726 district transportation costs eligible for reimbursement in fiscal year 2024.

727 SECTION 28. Notwithstanding any general or special law to the contrary, the department  
728 of elementary and secondary education, in consultation with the principals of the 5 recovery high  
729 schools in the commonwealth, shall examine the costs associated with sending students to a  
730 recovery high school, as defined in subsection (a) of section 91 of chapter 71 of the General  
731 Laws, and shall determine the average cost per pupil at recovery high schools in the  
732 commonwealth. The department shall submit its findings to the chairs of the house and senate

733 committees on ways and means, the chairs of the joint committee on education and the chairs of  
734 the joint committee on mental health, substance use and recovery not later than March 1, 2020.

735 SECTION 29. (a) Notwithstanding any general or special law to the contrary, the  
736 Massachusetts School Building Authority, in consultation with the department of elementary and  
737 secondary education, shall review eligible expenses and reimbursement rates in the school  
738 building assistance program.

739 (b) The review shall include, but not be limited to: (i) the impact of the maximum grant  
740 percentage under the first paragraph of section 10 of chapter 70B of the General Laws on  
741 communities adopting certain practices under paragraph (C) of subsection (a) of said section 10  
742 of said chapter 70B; (ii) reimbursement rates per square foot relative to construction costs and  
743 changes to this ratio over time; (iii) eligible expenses and the efficacy of establishing certain  
744 priority for expenses not currently eligible for reimbursement; and (iv) recommendations for  
745 improving the program to ensure that, to the greatest extent possible, the school building  
746 assistance program is accessible and affordable to all communities in the commonwealth and that  
747 appropriate incentives are in place to support the renovation and construction of high quality and  
748 cost-effective school building facilities.

749 (c) The review, including any analysis, recommendations or proposed legislation, shall be  
750 filed with the clerks of the house of representatives and the senate, the chairs of the joint  
751 committee on education and the chairs of the house and senate committees on ways and means  
752 not later than June 30, 2020.

753 SECTION 30. Notwithstanding any general or special law to the contrary, the foundation and  
754 increment amounts set forth in section 6 of this act shall be fully incorporated in the general

755 appropriations act not later than fiscal year 2027, subject to appropriation; provided, however,  
756 that in each year prior to full incorporation, the general appropriations act shall increase  
757 foundation and increment amounts over the prior fiscal year in an equitable and consistent  
758 manner.