SENATE DOCKET, NO. FILED ON: 1/15/2009

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

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Karen E. Spilka**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General
 Court assembled:*

 The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to fulfill the promise of education reform: adequate funding for student success.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Karen E. Spilka | Second Middlesex and Norfolk |

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act to fulfill the promise of education reform: adequate funding for student success.

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

SECTION 1.

Section 2 of Chapter 70 of the General Laws, as appearing in the 2006 Official Edition, is

 hereby amended by striking the following definitions:—

"Base year foundation budget"

"Book and equipment allotment"

"Enrollment categories"

"Expanded program allotment"

"Extraordinary maintenance allotment"

"Foundation assistants"

"Foundation athletic expenses"

"Foundation benefits"

"Foundation budget"

"Foundation central office professional staff"

"Foundation clerical staff"

"Foundation custodial staff"

"Foundation enrollment"

"Foundation extracurricular activity expenses"

"Foundation health care staff"

"Foundation inflation index"

"Foundation miscellaneous expenses"

"Foundation non-salary expenses"

"Foundation payroll"

"Foundation principals"

"Foundation special education tuition"

"Foundation support staff"

"Foundation teaching staff"

"Foundation utility and ordinary maintenance expenses"

"Foundation vocational staff"

"Professional development allotment"

"Total foundation staff"

"Wage adjustment factor"

SECTION 2. Section 2 of Chapter 70 of the General Laws, as so appearing, is hereby

further amended by adding the following:—

“Administration allotment,” the amounts allotted within a district's foundation budget for

 administration in any fiscal year. The administration allotment shall be the sum of:

   (a) 149.92 dollars multiplied by the foundation pre-school

enrollment and the foundation half-day kindergarten enrollment;

plus

   (b) 299.85 dollars multiplied by the foundation full-day kindergarten

enrollment, the foundation elementary enrollment, the

foundation junior high/middle school enrollment, the foundation

high school enrollment, the foundation English learner full-day

enrollment, and the foundation vocational enrollment; plus

   (c) 2069.49 dollars multiplied by the assumed in-school

special education enrollment and the assumed tuitioned-out

special education enrollment; plus

   (d) 149.93 dollars multiplied by the foundation English learner

pre-school enrollment and by the foundation English learner halfday

kindergarten enrollment.

“Classroom and specialist teachers allotment,” the amount

allotted within a district’s foundation budget for classroom and

specialist teachers in any fiscal year. The classroom and specialist

teachers allotment shall be the sum of:

   (a) 1883.84 dollars multiplied by the foundation pre-school

enrollment; plus

 (b) 1241.62 dollars multiplied by the foundation half-day kindergarten enrollment;

 plus

   (c) 2483.24 dollars multiplied by the foundation full-day kindergarten enrollment; plus

 (d) 3069.14 dollars multiplied by the foundation elementary enrollment; plus

   (e) 2185.23 dollars multiplied by the foundation junior

high/middle school enrollment; plus

   (f) 3213.57 dollars multiplied by the foundation high school

enrollment; plus

   (g) 6828.85 dollars multiplied by the assumed in-school special

education enrollment; plus

   (h) 1846.03 dollars multiplied by the foundation English

learner pre-school enrollment and the foundation English learner

half-day kindergarten enrollment; plus

   (i) 3692.05 dollars multiplied by the foundation English

learner full-day enrollment; plus

   (j) 5463.09 dollars multiplied by the foundation vocational

enrollment; plus

   (k) 2210.24 dollars multiplied by the foundation low-income

elementary enrollment; plus

   (l) 1663.93 dollars multiplied by the foundation low-income

secondary enrollment.

“Employee benefits and fixed charges allotment,” the amount

allotted within a district’s foundation budget for employee benefits

and fixed charges. The employee benefits and fixed charges

allotment shall be the sum of:

   (a) 471.53 dollars multiplied by the foundation pre-school

enrollment; plus

 (b) 310.78 dollars multiplied by the foundation half-day kindergarten enrollment;

plus

   (c) 621.55 dollars multiplied by the foundation full-day kindergarten

enrollment; plus

 (d) 768.23 dollars multiplied by the foundation elementary enrollment; plus

   (e) 590.99 dollars multiplied by foundation junior high/middle

school enrollment; plus

   (f) 567.80 dollars multiplied by the foundation high school

enrollment; plus

   (g) 2618.91 dollars multiplied by the assumed in-school special

education enrollment; plus

   (h) 390.96 dollars multiplied by the foundation English learner

pre-school enrollment and the foundation English learner half-day

kindergarten enrollment; plus

   (i) 781.92 dollars multiplied by the foundation English learner

full-day enrollment; plus

   (j) 922.15 dollars multiplied by the foundation vocational

enrollment; plus

   (k) 226.78 dollars multiplied by the foundation low-income elementary

enrollment and the foundation low-income secondary enrollment.

“Enrollment categories,” each student including students

enrolled in special education programs and students who reside

in the district and who attend either a public school in that district

or a school for which the district of residence pays tuition shall

be placed in one and only one of the following enrollment categories

depending on the grade and program to which the student is

assigned:

   (a) “English learner enrollment,” the number of students

enrolled in English language learner programs established under

chapter 71A but in the case of an innovative program only the

English learner students as defined in section 2 of chapter 71A

enrolled in such a program shall be considered in calculating English

learner enrollment in a district.

   (b) “Elementary enrollment,” the number of students enrolled

in grades 1 through 5 and not enrolled in English learner or vocational

programs in a district.

   (c) “High school enrollment,” the number of students enrolled

in grades 9 through 12 and not enrolled in English learner or

vocational programs in a district.

   (d) “Junior high/middle school enrollment,” the number of students

enrolled in grades 6 through 8 and not enrolled in English

learner or vocational programs in a district.

   (e) “Full-day kindergarten enrollment,” the number of students

enrolled in full-day kindergarten and not enrolled in English

learner or vocational programs in a district who are not charged

tuition for the second half of the day.

   (f) “Half-day kindergarten enrollment,” the number of students

enrolled in half-day kindergarten and not enrolled in English

learner or vocational programs in a district or enrolled in full-day

kindergarten but who are charged tuition for the second half of the

day.

   (g) “Pre-school enrollment,” the number of students enrolled in

pre-school.

   (h) “Vocational enrollment,” the number of students enrolled in

vocational education programs or an agricultural school in a district.

“Foundation budget,” the sum of a district’s administration

allotment; instructional leadership allotment; classroom and specialist

teachers allotment; other teaching services allotment; professional

development allotment; instructional materials

equipment and technology allotment; guidance and psychological

allotment; pupil services allotment; operations and maintenance

allotment; employee benefits and fixed charges allotment; and

special education tuition allotment. The base year for calculating

the foundation budget shall be fiscal year 2007. The base year

foundation budget shall be calculated according to the formulas in

this section using foundation enrollment as described in this

section. For fiscal years thereafter the foundation budget shall be

the base year foundation budget as adjusted for enrollment and

for inflation as set forth in section 3 of this chapter.

“Foundation enrollment,” the student enrollment of a district in

any fiscal year. The foundation enrollment is defined as the sum

of foundation full-day kindergarten elementary junior

high/middle school high school English learner and vocational

enrollment plus one-half the sum of foundation pre-school and

half-day kindergarten enrollment including students enrolled in

the program for the elimination of racial imbalance under

section 12A of chapter 76. By March first of each calendar year

the department shall certify the foundation enrollment for the next

fiscal year as the actual enrollment as reported the previous

October.

“Foundation inflation index,” in fiscal year 2007 the foundation

inflation index shall equal 1.000. In fiscal year 2008 and in

each fiscal year thereafter the foundation inflation index shall

equal the prior year’s foundation inflation index multiplied by the

ratio of the value of the implicit price deflator for state and local

government purchases in the first quarter of the prior fiscal year to

its value in the first quarter of the fiscal year two fiscal years

prior.

“Guidance and psychological allotment,” the amount allotted

within a district’s foundation budget for guidance and psychological

services. The guidance and psychological allotment shall be

the sum of:

   (a) 90.34 dollars multiplied by the foundation pre-school

enrollment and the foundation half-day kindergarten enrollment;

plus

   (b) 180.68 dollars multiplied by the foundation full-day kindergarten

enrollment and the foundation elementary enrollment; plus

   (c) 240.53 dollars multiplied by foundation junior high/middle

school enrollment and the foundation English learner full-day

enrollment; plus

   (d) 301.51 dollars multiplied by the foundation high school

enrollment and the foundation vocational enrollment; plus

   (e) 120.26 dollars multiplied by the foundation English learner

pre-school enrollment and the foundation English learner half-day

kindergarten enrollment.

“Instructional leadership allotment,” the amounts allotted

within a district’s foundation budget for instructional leadership in

any fiscal year. The instructional leadership allotment shall be the

sum of:

   (a) 270.78 dollars multiplied by the foundation pre-school

enrollment, the foundation half-day kindergarten enrollment, the

foundation English learner pre-school enrollment, and the foundation

English learner half-day kindergarten enrollment; plus

   (b) 541.56 dollars multiplied by the foundation full-day kindergarten

enrollment, the foundation elementary enrollment, the

foundation junior high/middle school enrollment, the foundation

high school enrollment, the foundation English learner full-day

enrollment, and the foundation vocational enrollment.

“Instructional materials equipment and technology allotment,”

the amount allotted within a district's foundation budget for

instructional materials equipment and technology. The instructional

materials equipment and technology allotment shall be the

sum of:

   (a) 179.71 dollars multiplied by the foundation pre-school

enrollment, the foundation half-day kindergarten enrollment, the

foundation English learner pre-school enrollment, and the foundation

English learner half-day kindergarten enrollment; plus

   (b) 359.41 dollars multiplied by the foundation full-day kindergarten

enrollment, the foundation elementary enrollment, the

foundation junior high/middle school enrollment, and the foundation

English learner full-day enrollment; plus

  (c) 575.06 dollars multiplied by the foundation high school

enrollment; plus

   (d) 287.53 dollars multiplied by the assumed in-school special

education enrollment; plus

   (e) 1006.35 dollars multiplied by the foundation vocational

enrollment.

“Operations and maintenance allotment,” the amount allotted

within a district’s foundation budget for operations and maintenance.

The operations and maintenance allotment shall be the sum

of:

   (a) 446.19 dollars multiplied by the foundation pre-school

enrollment; plus

 (b) 344.78 dollars multiplied by the foundation half-day kindergarten enrollment;

plus

   (c) 689.56 dollars multiplied by the foundation full-day kindergarten

enrollment; plus

 (d) 852.27 dollars multiplied by the foundation elementary enrollment; plus

   (e) 747.58 dollars multiplied by foundation junior high/middle

school enrollment; plus

   (f) 724.85 dollars multiplied by the foundation high school

enrollment; plus

   (g) 2311.74 dollars multiplied by the assumed in-school special

education enrollment; plus

   (h) 466.77 dollars multiplied by the foundation English learner

pre-school enrollment and the foundation English learner half-day

kindergarten enrollment; plus

   (i) 933.53 dollars multiplied by the foundation English learner

full-day enrollment; plus

   (j) 1356.57 dollars multiplied by the foundation vocational

enrollment; plus

   (k) 345.04 dollars multiplied by the foundation low-income elementary

enrollment and the foundation low-income secondary enrollment.

“Other teaching services allotment,” the amount allotted within

a district’s foundation budget for other teaching services. The

other teaching services allotment shall be the sum of:

   (a) 318.44 dollars multiplied by the foundation pre-school

enrollment and the foundation half-day kindergarten enrollment;

plus

   (b) 636.89 dollars multiplied by the foundation full-day kindergarten

enrollment and the foundation elementary enrollment; plus

   (c) 458.47 dollars multiplied by the foundation junior

high/middle school enrollment; plus

   (d) 381.68 dollars multiplied by the foundation high school

enrollment and the foundation vocational enrollment; plus

   (e) 6375.99 dollars multiplied by the assumed in-school special

education enrollment; plus

   (f) 31.63 dollars multiplied by the assumed tuitioned-out

special education enrollment; plus

   (g) 254.63 dollars multiplied by the foundation English learner

pre-school enrollment and the foundation English learner half-day

kindergarten enrollment; plus

   (h) 509.26 dollars multiplied by the foundation English learner

full-day enrollment.

“Professional development allotment,” the amount allotted

within a district's foundation budget for professional development.

The professional development allotment shall be the sum of:

   (a) 81.98 dollars multiplied by the foundation pre-school

enrollment; plus

 (b) 54.03 dollars multiplied by the foundation half-day kindergarten enrollment;

plus

(c) 108.08 dollars multiplied by the foundation full-day kindergarten

enrollment; plus

 (d) 133.60 dollars multiplied by the foundation elementary enrollment; plus

   (e) 117.18 dollars multiplied by the foundation junior

high/middle school enrollment; plus

   (f) 113.62 dollars multiplied by the foundation high school

enrollment; plus

   (g) 362.36 dollars multiplied by the assumed in-school special

education enrollment; plus

   (h) 73.16 dollars multiplied by the foundation English learner

pre-school enrollment and the foundation English learner half-day

kindergarten enrollment; plus

   (i) 146.32 dollars multiplied by the foundation English learner

full-day enrollment; plus

   (j) 187.85 dollars multiplied by the foundation vocational

enrollment; plus

   (k) 54.09 dollars multiplied by the foundation low-income elementary

enrollment and the foundation low-income secondary enrollment.

“Pupil services allotment,” the amount allotted within a district’s

foundation budget for pupil services. The pupil services

allotment shall be the sum of:

   (a) 35.94 dollars multiplied by the foundation pre-school

enrollment and the foundation half-day kindergarten enrollment;

plus

   (b) 71.89 dollars multiplied by the foundation full-day kindergarten

enrollment; plus

   (c) 107.83 dollars multiplied by the foundation elementary

enrollment and the foundation English learner full-day enrollment;

plus

   (d) 176.12 dollars multiplied by foundation junior high/middle

school enrollment; plus

   (e) 406.13 dollars multiplied by the foundation high school

enrollment and the foundation vocational enrollment; plus

   (f) 53.92 dollars multiplied by the foundation English learner

pre-school enrollment and the foundation English learner half-day

kindergarten enrollment.

“Special education tuition allotment,” the amount allotted

within a district’s foundation budget for special education tuition.

The special education tuition allotment shall be the sum of

19648.85 dollars multiplied by the assumed tuitioned-out special

education enrollment.

“Wage adjustment factor,” an adjusted difference between the

average annual wage for all jobs in the labor market area in which

a municipality is located and the average annual wage in the commonwealth.

Average annual wage figures shall be published annually

by the division of employment and training. The wage

adjustment factor shall be the sum of 1 plus a fraction the numerator

of which shall be the product of one-third and the difference

resulting from subtracting the average annual wage in the commonwealth

from the average annual wage of the community; and

the denominator of which shall be the average annual wage in the

commonwealth.

For the purposes of this section the average annual wage of the

community shall be the sum of:

   (a) eight-tenths multiplied by the average annual wage for all

jobs in the labor market area in which the municipality is located;

plus

   (b) two-tenths multiplied by the average annual wage of the

municipality.

The wage adjustment factor shall not be less than 1 for any

community.

SECTION 3. Section 3 of Chapter 70 of the General Laws is

hereby amended by striking out lines 1 through 17 and inserting in

place thereof the following:— The factors to be inflated shall be

the monetary values for the administration allotment, the instructional

leadership allotment, the classroom and specialist teachers

allotment, the other teaching services allotment, the professional

development allotment, the instructional materials equipment and

technology allotment, the guidance and psychological allotment,

the pupil services allotment, the operations and maintenance allotment,

the employee benefits and fixed charges allotment, and the

special education tuition allotment. The administration allotment,

the instructional leadership allotment, the classroom and

specialist teachers allotment, the other teaching services allotment,

the professional development allotment, the guidance and

psychological allotment, the pupil services allotment, and the

operations and maintenance allotment shall be further adjusted by

multiplying each allotment’s resulting amount by a district's wage

adjustment factor.

SECTION 4. Chapter 70 of the General Laws is further amended by adding the following new section:-

Section 3B. Each first- or second-year teacher shall be provided with a mentor. An amount equal to $600 per first- or second-year teacher shall be provided to each school district and funded through a separate appropriation.

SECTION 5. Chapter 71 of the General Laws, as so appearing, is hereby amended by adding the following new section:-

Section 90. The class size for grades kindergarten through three shall not exceed fifteen. Districts in which 75 percent of schools are in performance categories one and two on the Massachusetts Comprehensive Assessment System examination as most recently reported by the Department of Education may apply to the Department for a waiver from the class size maximum.

SECTION 6. In order to determine, as a basis for legislative action, the resources needed to achieve the commonwealth’s educational goals, a committee, to be known as the Education Resource Study Committee, made up of the chairs of the Joint Committee on Education, the Secretary of Administration and Finance, or her designee, and the Governor’s Education Advisor, is hereby authorized to conduct a study to determine the resources necessary to achieve the commonwealth’s educational goals. The committee shall contract with an objective, independent consultant to conduct a professional assessment to ascertain the resources and the costs of the resources needed to provide all students in Massachusetts with the opportunity for a high quality education to enable them to reach their potential as set forth in the Education Reform Act of 1993 and in this act.

For purposes of its work, the committee and consultant shall have access to all necessary papers, vouchers, books and records pertaining to the department of education and to any school district in the commonwealth. The department of education, school districts and the personnel of each shall cooperate with the committee and consultant for any purpose connected to its work pursuant to this act, including, but not limited to, participating in interviews and producing books, records and documents. The committee and consultant may request reasonable assistance from the commissioner of education and from the superintendent of any school district, and said officers shall furnish the committee and consultant with any relevant information in their possession which is requested by the committee and consultant.

The committee shall:

 (1) Prepare a request for proposals for the conduct of a resource study, advertise nationally for such proposals, evaluate the proposals and contract with an appropriate independent entity or independent consultants to conduct a professional evaluation of

a) the extent of educational and other resources required by school districts so that they are able to implement fully each of the seven curriculum frameworks and fulfill the goals of the Education Reform Act and this act, and

b) the resources required by the department of education so that it is able to fulfill its responsibilities under the provisions of the Education Reform Act. Such responsibilities shall include providing technical assistance to school districts so that they can improve the capacity of school districts to implement the curriculum frameworks effectively and devising instructional strategies which improve learning for diverse student populations.

(2) Include in its proposals the requirements that in conducting its study, the consultant shall do the following:

(a) consider and evaluate all the resources which relate to student learning and educational opportunity, including, but not limited to: class size; special education programs, including programs for English language learners; pre-school programs for all 3- and 4-year-olds and full-day kindergarten; additional resources needed to assure educational opportunity for low-income students; salaries needed to attract and retain high quality professionals; technology; extra-curricular programs; remedial programs for students at risk of failing to satisfy graduation requirements; and quality books and equipment for science labs;

(b) provide the committee with a proposed work plan before beginning the study;

(c) interview and consult with representatives of educational professions and other groups involved in issues of educational policy and finance, including, but not limited to the Massachusetts Association of School Superintendents, the Massachusetts Association of School Committees, the Massachusetts Teachers Association, the American Federation of Teachers/Massachusetts, the Massachusetts Municipal Association, the Rennie Center for Education Research and Policy, the Council for Fair School Finance, the Massachusetts Budget and Policy Center, the Massachusetts Taxpayers Foundation, Massachusetts Business Alliance for Education, the Commissioner of the Department of Education, the Massachusetts Parent Teacher Organization, academics and researchers involved in educational strategies, and the general public through public hearings;

(d) review successful educational programs in schools and school districts with diverse socio-economic characteristics and racial make-up and assess the possibility of replicating such programs in other schools and school districts;

(e) file monthly progress reports with the committee outlining the work of the previous month and the work planned for the upcoming month;

(f) after the completion of one-third of the work and again after completion of two-thirds of the work, participate in a forum with the committee to provide an opportunity for public comment;

(g) issue a preliminary report on its work and the cost study and solicit comments, criticisms and suggestions from professional educators, education administrators and experts in education policy and finance concerning the report; and

(h) deliver a final report to the president of the senate, the speaker of the house of representatives, and the joint committee on education no later than September 1, 2010.

SECTION 6. For funding the work of the committee and the cost study required by Section 5 of this act…………………………..…$600,000.