

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Pam Richardson**

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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 provide parity for local public school tuition payments for Commonwealth charter schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stephen L. DiNatale	3rd Worcester
Robert M. Koczera	11th Bristol
Pam Richardson	6th Middlesex
Danielle W. Gregoire	4th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 532 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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### AN ACT TO PROVIDE PARITY FOR LOCAL PUBLIC SCHOOL TUITION PAYMENTS FOR COMMONWEALTH CHARTER SCHOOLS.

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

1           SECTION 1. Section 89 of chapter 71 of the General Laws, as amended by Chapter 352 of the Acts of  
2           2004, is hereby further amended by striking subsection (nn) and inserting in place thereof the following:-

3           (nn) Commonwealth charter schools shall be funded as follows: The commonwealth shall pay a tuition  
4           amount to the charter school, which shall be the sum of the tuition amounts calculated separately for each district  
5           sending students to the charter school. Tuition amounts for each sending district shall be calculated by the  
6           department of education using the formula set forth herein to reflect, as much as practicable, the actual per pupil  
7           amount that would be expended for operational purposes in the district if the students attended the district  
8           schools. For the purposes of this section, "operational purposes" shall exclude, at a minimum, capital costs  
9           associated with payments, including interest and principal payments, for the construction, renovation, purchase,  
10          acquisition, or improvement of school buildings and land, and any other costs not associated with payments for  
11          the construction, renovation, purchase, acquisition, or improvement of school buildings but reported to the  
12          department of education as a capital cost.

13          The tuition amount shall be calculated separately for each district sending students to a charter school, and for  
14          each charter school to which a district sends students. Each district's per pupil tuition amount for each charter  
15          school to which it sends students shall be adjusted to reflect the actual net school spending in the sending district.

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17          In calculating the per pupil tuition amount, the department shall calculate a foundation budget for the students  
18          from each sending district attending the charter school in the previous fiscal year, pursuant to the provisions of  
19          section 2 of chapter 70; provided, that the department shall not include in said calculation the assumed tuitioned-

20 out special education enrollment, nor any amounts generated by said assumed enrollment, as defined by said  
21 section 2. The per pupil tuition amount shall be the district's foundation budget for the charter school, as so  
22 calculated, divided by the number of students attending the charter school from the sending district in the  
23 previous fiscal year. The per pupil tuition amount shall be calculated separately for each charter school to which a  
24 district sends students. The foundation budget for a charter school shall be the sum of the foundation budgets for  
25 the charter school for each district sending students to the charter school.

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27 In adjusting the per pupil tuition amount, the department shall calculate for each sending district an above  
28 foundation spending percentage, which shall be the percentage by which the district's actual net school spending  
29 exceeds the foundation budget for the district, as calculated pursuant to the provisions of chapter 70. The  
30 department shall further calculate the percentage of actual net school spending reported by the sending district  
31 associated with tuition costs for tuitioned-out special education students, including education that occurs in  
32 educational collaboratives, and with spending on municipal administration, retired staff pension and health care  
33 costs for retired employees, for any district for which such costs are included in net school spending, and shall  
34 reduce the district's above foundation spending percentage proportionately. The per pupil tuition amount for  
35 each charter school to which the sending district sends students shall be increased by said adjusted above  
36 foundation spending percentage.

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38 The tuition amount owed by a sending district to a charter school shall be limited to 75% of the sum of the  
39 foundation budgets and adjusted foundation spending percentage to a maximum of \$5000 per pupil, multiplied by  
40 the total number of students attending the charter school from that district in the current fiscal year, provided that  
41 the tuition owed by a sending district shall exclude pupils who did not attend sending district public schools in the  
42 prior year but who were resident and eligible to attend public schools. The sending district's charter school tuition  
43 payments for purposes of the following paragraphs shall be the sum of the district's tuition amounts for each  
44 charter school to which the district sends students, calculated using the provisions of this section. The receiving  
45 charter school's total charter school tuition amount shall be the sum of the tuition amounts calculated for the  
46 charter school for each district sending students to the charter school, including tuition for students who, although  
47 eligible, did not attend district public schools in the prior year. The department of education shall, subject to  
48 appropriation, provide funding for any difference between the receiving charter school's total charter school  
49 tuition and the sending district's tuition payment.

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51 The state treasurer is hereby authorized and directed to deduct a district's total charter school tuition payment, as  
52 calculated herein and subject to a maximum of \$5000 per pupil, from the total state school aid, as defined in  
53 section 2 of said chapter 70, of the district in which the student resides prior to the distribution of said aid. In the  
54 case of a child residing in a municipality which belongs to a regional school district, the charter school tuition  
55 amount shall be deducted from said chapter 70 education aid of the school district appropriate to the grade level  
56 of the child. If, in a single district, the total of all such deductions exceeds the total of said education aid, this  
57 excess amount shall be deducted from other aid appropriated to the city or town. If, in a single district, the total of  
58 all such deductions exceeds the total state aid appropriated, the commonwealth shall appropriate this excess  
59 amount; provided, however, that if said district has exempted itself from the provisions of chapter 70 by accepting  
60 section 14 of said chapter 70, the commonwealth shall assess said district for said excess amount.

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62 The state treasurer is hereby further authorized and directed to disburse to the charter school an amount equal to  
63 the charter school's total charter school tuition amount as defined above.

64 The department shall, subject to appropriation, provide funding to charter schools for a capital needs allocation.  
65 The department shall calculate a statewide per pupil average expenditure from state and local sources for capital  
66 costs solely associated with payments, including interest and principal payments, for the construction, renovation,  
67 purchase, acquisition, or improvement of school buildings and land. The department shall multiply said amount by  
68 the number of students the district sends to charter schools, and shall provide funding directly to charter schools  
69 for said costs. Such funding shall not be included in the tuition amount, and shall not be deducted from the  
70 Chapter 70 aid of the sending district. In making these calculations, the department shall use data from the most  
71 recent year for which actual district expenditures have been reported by districts to the department.

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73 The board of education shall adopt regulations for implementing the provisions of this subsection, including, but  
74 not limited to, regulations for determining the actual per pupil net school spending amounts in districts, and for  
75 calculating charter school tuition amounts. In adopting said regulations, the department shall consult with the  
76 executive office for administration and finance.

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