

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

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:

Karen E. Spilka

DISTRICT/ADDRESS:

Second Middlesex and Norfolk

The Commonwealth of Massachusetts

—————
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:

1 SECTION 1.

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

3 hereby amended by striking the following definitions:—

4 "Base year foundation budget"

5 "Book and equipment allotment"

6 "Enrollment categories"

7 "Expanded program allotment"

8 "Extraordinary maintenance allotment"

9 "Foundation assistants"

10 "Foundation athletic expenses"

11 "Foundation benefits"

12 "Foundation budget"

- 13 "Foundation central office professional staff"
- 14 "Foundation clerical staff"
- 15 "Foundation custodial staff"
- 16 "Foundation enrollment"
- 17 "Foundation extracurricular activity expenses"
- 18 "Foundation health care staff"
- 19 "Foundation inflation index"
- 20 "Foundation miscellaneous expenses"
- 21 "Foundation non-salary expenses"
- 22 "Foundation payroll"
- 23 "Foundation principals"
- 24 "Foundation special education tuition"
- 25 "Foundation support staff"
- 26 "Foundation teaching staff"
- 27 "Foundation utility and ordinary maintenance expenses"
- 28 "Foundation vocational staff"
- 29 "Professional development allotment"
- 30 "Total foundation staff"
- 31 "Wage adjustment factor"

32

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

34 further amended by adding the following:—

35 “Administration allotment,” the amounts allotted within a district's foundation budget for
36 administration in any fiscal year. The administration allotment shall be the sum of:

37 (a) 149.92 dollars multiplied by the foundation pre-school
38 enrollment and the foundation half-day kindergarten enrollment;
39 plus

40 (b) 299.85 dollars multiplied by the foundation full-day kindergarten
41 enrollment, the foundation elementary enrollment, the
42 foundation junior high/middle school enrollment, the foundation
43 high school enrollment, the foundation English learner full-day
44 enrollment, and the foundation vocational enrollment; plus

45
46 (c) 2069.49 dollars multiplied by the assumed in-school
47 special education enrollment and the assumed tuitioned-out
48 special education enrollment; plus

49
50 (d) 149.93 dollars multiplied by the foundation English learner
51 pre-school enrollment and by the foundation English learner halfday
52 kindergarten enrollment.

53
54 “Classroom and specialist teachers allotment,” the amount
55 allotted within a district’s foundation budget for classroom and
56 specialist teachers in any fiscal year. The classroom and specialist
57 teachers allotment shall be the sum of:

58 (a) 1883.84 dollars multiplied by the foundation pre-school
59 enrollment; plus
60 (b) 1241.62 dollars multiplied by the foundation half-day kindergarten enrollment;
61 plus
62 (c) 2483.24 dollars multiplied by the foundation full-day kindergarten enrollment; plus
63 (d) 3069.14 dollars multiplied by the foundation elementary enrollment; plus
64 (e) 2185.23 dollars multiplied by the foundation junior
65 high/middle school enrollment; plus
66
67 (f) 3213.57 dollars multiplied by the foundation high school
68 enrollment; plus
69 (g) 6828.85 dollars multiplied by the assumed in-school special
70 education enrollment; plus
71 (h) 1846.03 dollars multiplied by the foundation English
72 learner pre-school enrollment and the foundation English learner
73 half-day kindergarten enrollment; plus
74 (i) 3692.05 dollars multiplied by the foundation English
75 learner full-day enrollment; plus
76 (j) 5463.09 dollars multiplied by the foundation vocational
77 enrollment; plus
78 (k) 2210.24 dollars multiplied by the foundation low-income
79 elementary enrollment; plus

80 (l) 1663.93 dollars multiplied by the foundation low-income
81 secondary enrollment.

82
83 “Employee benefits and fixed charges allotment,” the amount
84 allotted within a district’s foundation budget for employee benefits
85 and fixed charges. The employee benefits and fixed charges
86 allotment shall be the sum of:

87
88 (a) 471.53 dollars multiplied by the foundation pre-school
89 enrollment; plus

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

92 (c) 621.55 dollars multiplied by the foundation full-day kindergarten
93 enrollment; plus

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

95 (e) 590.99 dollars multiplied by foundation junior high/middle
96 school enrollment; plus

97 (f) 567.80 dollars multiplied by the foundation high school
98 enrollment; plus

99 (g) 2618.91 dollars multiplied by the assumed in-school special
100 education enrollment; plus

101 (h) 390.96 dollars multiplied by the foundation English learner
102 pre-school enrollment and the foundation English learner half-day

103 kindergarten enrollment; plus
104 (i) 781.92 dollars multiplied by the foundation English learner
105 full-day enrollment; plus
106 (j) 922.15 dollars multiplied by the foundation vocational
107 enrollment; plus
108 (k) 226.78 dollars multiplied by the foundation low-income elementary
109 enrollment and the foundation low-income secondary enrollment.

110
111 “Enrollment categories,” each student including students
112 enrolled in special education programs and students who reside
113 in the district and who attend either a public school in that district
114 or a school for which the district of residence pays tuition shall
115 be placed in one and only one of the following enrollment categories
116 depending on the grade and program to which the student is
117 assigned:

118 (a) “English learner enrollment,” the number of students
119 enrolled in English language learner programs established under
120 chapter 71A but in the case of an innovative program only the
121 English learner students as defined in section 2 of chapter 71A
122 enrolled in such a program shall be considered in calculating English
123 learner enrollment in a district.

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

125 in grades 1 through 5 and not enrolled in English learner or vocational
126 programs in a district.

127 (c) “High school enrollment,” the number of students enrolled
128 in grades 9 through 12 and not enrolled in English learner or
129 vocational programs in a district.

130 (d) “Junior high/middle school enrollment,” the number of students
131 enrolled in grades 6 through 8 and not enrolled in English
132 learner or vocational programs in a district.

133 (e) “Full-day kindergarten enrollment,” the number of students
134 enrolled in full-day kindergarten and not enrolled in English
135 learner or vocational programs in a district who are not charged
136 tuition for the second half of the day.

137 (f) “Half-day kindergarten enrollment,” the number of students
138 enrolled in half-day kindergarten and not enrolled in English
139 learner or vocational programs in a district or enrolled in full-day
140 kindergarten but who are charged tuition for the second half of the
141 day.

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

144 (h) “Vocational enrollment,” the number of students enrolled in
145 vocational education programs or an agricultural school in a district.

146
147 “Foundation budget,” the sum of a district’s administration
148 allotment; instructional leadership allotment; classroom and specialist
149 teachers allotment; other teaching services allotment; professional
150 development allotment; instructional materials
151 equipment and technology allotment; guidance and psychological
152 allotment; pupil services allotment; operations and maintenance
153 allotment; employee benefits and fixed charges allotment; and
154 special education tuition allotment. The base year for calculating
155 the foundation budget shall be fiscal year 2007. The base year
156 foundation budget shall be calculated according to the formulas in
157 this section using foundation enrollment as described in this
158 section. For fiscal years thereafter the foundation budget shall be
159 the base year foundation budget as adjusted for enrollment and
160 for inflation as set forth in section 3 of this chapter.

161 “Foundation enrollment,” the student enrollment of a district in
162 any fiscal year. The foundation enrollment is defined as the sum
163 of foundation full-day kindergarten elementary junior
164 high/middle school high school English learner and vocational
165 enrollment plus one-half the sum of foundation pre-school and
166 half-day kindergarten enrollment including students enrolled in
167 the program for the elimination of racial imbalance under

168 section 12A of chapter 76. By March first of each calendar year
169 the department shall certify the foundation enrollment for the next
170 fiscal year as the actual enrollment as reported the previous
171 October.

172
173 “Foundation inflation index,” in fiscal year 2007 the foundation
174 inflation index shall equal 1.000. In fiscal year 2008 and in
175 each fiscal year thereafter the foundation inflation index shall
176 equal the prior year’s foundation inflation index multiplied by the
177 ratio of the value of the implicit price deflator for state and local
178 government purchases in the first quarter of the prior fiscal year to
179 its value in the first quarter of the fiscal year two fiscal years
180 prior.

181
182 “Guidance and psychological allotment,” the amount allotted
183 within a district’s foundation budget for guidance and psychological
184 services. The guidance and psychological allotment shall be
185 the sum of:

186
187 (a) 90.34 dollars multiplied by the foundation pre-school
188 enrollment and the foundation half-day kindergarten enrollment;
189 plus

190
191 (b) 180.68 dollars multiplied by the foundation full-day kindergarten

192 enrollment and the foundation elementary enrollment; plus
193
194 (c) 240.53 dollars multiplied by foundation junior high/middle
195 school enrollment and the foundation English learner full-day
196 enrollment; plus
197
198 (d) 301.51 dollars multiplied by the foundation high school
199 enrollment and the foundation vocational enrollment; plus
200
201 (e) 120.26 dollars multiplied by the foundation English learner
202 pre-school enrollment and the foundation English learner half-day
203 kindergarten enrollment.
204
205 “Instructional leadership allotment,” the amounts allotted
206 within a district’s foundation budget for instructional leadership in
207 any fiscal year. The instructional leadership allotment shall be the
208 sum of:
209
210 (a) 270.78 dollars multiplied by the foundation pre-school
211 enrollment, the foundation half-day kindergarten enrollment, the
212 foundation English learner pre-school enrollment, and the foundation
213 English learner half-day kindergarten enrollment; plus
214
215 (b) 541.56 dollars multiplied by the foundation full-day kindergarten
216 enrollment, the foundation elementary enrollment, the

217 foundation junior high/middle school enrollment, the foundation
218 high school enrollment, the foundation English learner full-day
219 enrollment, and the foundation vocational enrollment.

220
221 “Instructional materials equipment and technology allotment,”
222 the amount allotted within a district's foundation budget for
223 instructional materials equipment and technology. The instructional
224 materials equipment and technology allotment shall be the
225 sum of:

226
227 (a) 179.71 dollars multiplied by the foundation pre-school
228 enrollment, the foundation half-day kindergarten enrollment, the
229 foundation English learner pre-school enrollment, and the foundation
230 English learner half-day kindergarten enrollment; plus

231
232 (b) 359.41 dollars multiplied by the foundation full-day kindergarten
233 enrollment, the foundation elementary enrollment, the
234 foundation junior high/middle school enrollment, and the foundation
235 English learner full-day enrollment; plus

236
237 (c) 575.06 dollars multiplied by the foundation high school
238 enrollment; plus

239 (d) 287.53 dollars multiplied by the assumed in-school special
240 education enrollment; plus

241 (e) 1006.35 dollars multiplied by the foundation vocational
242 enrollment.
243
244 “Operations and maintenance allotment,” the amount allotted
245 within a district’s foundation budget for operations and maintenance.

246 The operations and maintenance allotment shall be the sum
247 of:

248
249 (a) 446.19 dollars multiplied by the foundation pre-school
250 enrollment; plus

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

253 (c) 689.56 dollars multiplied by the foundation full-day kindergarten
254 enrollment; plus

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

256 (e) 747.58 dollars multiplied by foundation junior high/middle
257 school enrollment; plus

258 (f) 724.85 dollars multiplied by the foundation high school
259 enrollment; plus

260
261 (g) 2311.74 dollars multiplied by the assumed in-school special
262 education enrollment; plus

263 (h) 466.77 dollars multiplied by the foundation English learner

264 pre-school enrollment and the foundation English learner half-day
265 kindergarten enrollment; plus
266 (i) 933.53 dollars multiplied by the foundation English learner
267 full-day enrollment; plus
268 (j) 1356.57 dollars multiplied by the foundation vocational
269 enrollment; plus
270 (k) 345.04 dollars multiplied by the foundation low-income elementary
271 enrollment and the foundation low-income secondary enrollment.
272
273 “Other teaching services allotment,” the amount allotted within
274 a district’s foundation budget for other teaching services. The
275 other teaching services allotment shall be the sum of:
276
277 (a) 318.44 dollars multiplied by the foundation pre-school
278 enrollment and the foundation half-day kindergarten enrollment;
279 plus
280 (b) 636.89 dollars multiplied by the foundation full-day kindergarten
281 enrollment and the foundation elementary enrollment; plus
282 (c) 458.47 dollars multiplied by the foundation junior
283 high/middle school enrollment; plus
284
285 (d) 381.68 dollars multiplied by the foundation high school
286 enrollment and the foundation vocational enrollment; plus

287
288 (e) 6375.99 dollars multiplied by the assumed in-school special
289 education enrollment; plus

290
291 (f) 31.63 dollars multiplied by the assumed tuitioned-out
292 special education enrollment; plus

293
294 (g) 254.63 dollars multiplied by the foundation English learner
295 pre-school enrollment and the foundation English learner half-day
296 kindergarten enrollment; plus

297
298 (h) 509.26 dollars multiplied by the foundation English learner
299 full-day enrollment.

300
301 “Professional development allotment,” the amount allotted
302 within a district's foundation budget for professional development.

303 The professional development allotment shall be the sum of:

304
305 (a) 81.98 dollars multiplied by the foundation pre-school
306 enrollment; plus

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

309
310

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

312 enrollment; plus

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

314 (e) 117.18 dollars multiplied by the foundation junior

315 high/middle school enrollment; plus

316

317 (f) 113.62 dollars multiplied by the foundation high school

318 enrollment; plus

319

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

321 education enrollment; plus

322

323 (h) 73.16 dollars multiplied by the foundation English learner

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

325 kindergarten enrollment; plus

326

327 (i) 146.32 dollars multiplied by the foundation English learner

328 full-day enrollment; plus

329

330 (j) 187.85 dollars multiplied by the foundation vocational

331 enrollment; plus

332

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

334 enrollment and the foundation low-income secondary enrollment.

335

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

337 foundation budget for pupil services. The pupil services
338 allotment shall be the sum of:

339
340 (a) 35.94 dollars multiplied by the foundation pre-school
341 enrollment and the foundation half-day kindergarten enrollment;
342 plus

343
344 (b) 71.89 dollars multiplied by the foundation full-day kindergarten
345 enrollment; plus

346
347 (c) 107.83 dollars multiplied by the foundation elementary
348 enrollment and the foundation English learner full-day enrollment;
349 plus

350
351 (d) 176.12 dollars multiplied by foundation junior high/middle
352 school enrollment; plus

353
354 (e) 406.13 dollars multiplied by the foundation high school
355 enrollment and the foundation vocational enrollment; plus

356
357 (f) 53.92 dollars multiplied by the foundation English learner
358 pre-school enrollment and the foundation English learner half-day
359 kindergarten enrollment.

360
361 “Special education tuition allotment,” the amount allotted

362 within a district's foundation budget for special education tuition.

363 The special education tuition allotment shall be the sum of

364 19648.85 dollars multiplied by the assumed tuitioned-out special

365 education enrollment.

366

367 "Wage adjustment factor," an adjusted difference between the

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

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

370 Average annual wage figures shall be published annually

371 by the division of employment and training. The wage

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

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

374 resulting from subtracting the average annual wage in the commonwealth

375 from the average annual wage of the community; and

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

377 commonwealth.

378

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

380 community shall be the sum of:

381

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

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

384 plus

385
386 (b) two-tenths multiplied by the average annual wage of the
387 municipality.

388
389 The wage adjustment factor shall not be less than 1 for any
390 community.

391
392 SECTION 3. Section 3 of Chapter 70 of the General Laws is
393 hereby amended by striking out lines 1 through 17 and inserting in
394 place thereof the following:— The factors to be inflated shall be
395 the monetary values for the administration allotment, the instructional
396 leadership allotment, the classroom and specialist teachers
397 allotment, the other teaching services allotment, the professional
398 development allotment, the instructional materials equipment and
399 technology allotment, the guidance and psychological allotment,
400 the pupil services allotment, the operations and maintenance allotment,
401 the employee benefits and fixed charges allotment, and the
402 special education tuition allotment. The administration allotment,
403 the instructional leadership allotment, the classroom and
404 specialist teachers allotment, the other teaching services allotment,
405 the professional development allotment, the guidance and
406 psychological allotment, the pupil services allotment, and the
407 operations and maintenance allotment shall be further adjusted by

408 multiplying each allotment's resulting amount by a district's wage
409 adjustment factor.

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

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

415

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

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

423

424 SECTION 6. In order to determine, as a basis for legislative action, the resources
425 needed to achieve the commonwealth's educational goals, a committee, to be
426 known as the Education Resource Study Committee, made up of the chairs of the
427 Joint Committee on Education, the Secretary of Administration and Finance, or
428 her designee, and the Governor's Education Advisor, is hereby authorized to

429 conduct a study to determine the resources necessary to achieve the
430 commonwealth's educational goals. The committee shall contract with an
431 objective, independent consultant to conduct a professional assessment to
432 ascertain the resources and the costs of the resources needed to provide all
433 students in Massachusetts with the opportunity for a high quality education to
434 enable them to reach their potential as set forth in the Education Reform Act of
435 1993 and in this act.

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

447 The committee shall:

448 (1) Prepare a request for proposals for the conduct of a resource study,
449 advertise nationally for such proposals, evaluate the proposals and contract with

450 an appropriate independent entity or independent consultants to conduct a
451 professional evaluation of

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

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

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

465 (a) consider and evaluate all the resources which relate to student
466 learning and educational opportunity, including, but not limited to:
467 class size; special education programs, including programs for
468 English language learners; pre-school programs for all 3- and 4-
469 year-olds and full-day kindergarten; additional resources needed to
470 assure educational opportunity for low-income students; salaries
471 needed to attract and retain high quality professionals; technology;

472 extra-curricular programs; remedial programs for students at risk
473 of failing to satisfy graduation requirements; and quality books and
474 equipment for science labs;

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

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

491 (d) review successful educational programs in schools and school
492 districts with diverse socio-economic characteristics and racial

493 make-up and assess the possibility of replicating such programs in
494 other schools and school districts;

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

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

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

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

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