

By Mr. White, petition (accompanied by bill, Senate, No. 325) of W. Paul White for legislation to reform public education. Education, Arts and Humanities.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Three.

AN ACT REFORMING PUBLIC EDUCATION.

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. The General Court finds that many of the
2 commonwealth's public schools are today failing to prepare their
3 students with the education necessary to lead productive lives in
4 the economy of the next century. The General Court hereby
5 reaffirms the primary responsibility of the commonwealth to
6 provide access by every child resident therein to a publicly
7 supported primary and secondary education of world-class
8 standards.

9 By extending the right to choose the school that is right for one's
10 child to all parents, regardless of means; by newly holding schools
11 accountable to parents, and not to an expanded state bureaucracy;
12 by launching a new supply of entrepreneurial public schools
13 operating under charter from the state; and by ensuring adequate
14 funding for schools in all communities; this act is designed to
15 establish a dynamic educational system continually engaged in the
16 press for educational improvement.

17 Recognizing that while middle class families often obtain a
18 superior education by moving to suburban districts or enrolling
19 their children in private and parochial schools, while low-income
20 parents are denied such choices and confined to often inferior
21 public schools, this act extends the right to choose any public
22 school in the commonwealth to every parent, assures every parent
23 the information necessary to make informed educational choices,
24 and provides for transportation at public expense to the parent's
25 school of choice.

26 Recognizing, further, that effective schools are distinguished by
27 enterprising leaders, a clear sense of educational mission, and a
28 collegial staff committed to achieving such mission, this act
29 assures that every school will be motivated by the right of parents
30 to choose. A new supply of schools is created, whose leaders are
31 assured autonomy from excessive state intervention and authority
32 over their budget, staffing, and programs in exchange for direct
33 accountability to parents, their clients.

34 Recognizing, finally, that adequate and equitable resources are
35 a condition for good schools and fair competition, this act
36 establishes a foundation budget in every city, town, and regional
37 school district and assures each district the necessary level of state
38 aid to fully fund this foundation spending.

1 SECTION 2. The General Laws, as appearing in the 1990
2 Official Edition, as amended, are hereby further amended by
3 striking chapter 70 in its entirety and inserting in place thereof
4 the following new chapter: —

CHAPTER 70. STATE FISCAL ASSISTANCE FOR PUBLIC EDUCATION.

8 Section 1. (a) For the school districts in each city and town,
9 and for each regional school district there is established a
10 foundation budget; provided that for the purposes of this chapter,
11 independent vocational schools and county agricultural schools
12 shall be considered regional school districts. Each foundation
13 budget shall be determined in accordance with the provisions of
14 section two of this chapter. For cities and towns that are members
15 of regional school districts, the foundation budget for such city
16 or town shall be the sum of (i) the foundation budget for the
17 municipality's non-regional school system and (ii) the municipal-
18 ity's share of the foundation budget for the regional school
19 districts to which it belongs as determined by the agreements
20 establishing the regional school districts.

21 (b) For each city and town there is established a standard of
22 local effort. Each standard of local effort shall be determined in
23 accordance with the provisions of section three of this chapter.

24 (c)(1) Beginning with fiscal year nineteen ninety-eight, and
25 every five years thereafter, the governor shall appoint a
26 foundation budget review commission to review the methods of
27 calculating the foundation budget and the standard of local effort
28 and to make recommendations to the legislature regarding such
29 changes in these methods as may be appropriate. The commis-
30 sion shall consist of fifteen members and shall be broadly repre-
31 sentative of the racial and ethnic diversity of the commonwealth.
32 At least one-third of its members shall be representatives of the
33 business community. Members shall receive no compensation for
34 their services but may receive reimbursement for their reasonable
35 expenses incurred in carrying out their responsibilities as members
36 of the commission.

37 (2) It shall not constitute a violation of chapter 268A for any
38 person employed by a school district in the commonwealth to
39 serve on the commission or to participate in commission
40 deliberations that will or may have a financial impact on the
41 district employing such person or on the rate at which such a
42 person may be compensated. The commission may establish
43 procedures to ensure that such persons do not participate in
44 commission deliberations or recommendations that may either
45 directly affect the school districts employing such persons or
46 directly affect the rate at which such persons are compensated.

47 (3) The commission's recommendations shall be filed with the
48 clerk of the senate and the clerk of the house of representatives;
49 provided however that nothing in this section shall prevent the
50 secretary of education from promulgating regulations necessary
51 for the calculation of either the foundation budget pursuant to
52 the provisions of section two or the standard of local effort
53 pursuant to the provisions of section three.

54 (4) This chapter shall not be construed in any way to discourage
55 or prevent any school district, subject to appropriation, from
56 spending more than its foundation budget, nor shall it prevent
57 any community from appropriating more than its standard of
58 local effort.

59 Section 2. (a) The "foundation budget" for a school district for
60 a school year shall be the base year foundation budget, calculated
61 as the sum of the amounts set forth in this section, adjusted for
62 annual enrollment changes and, for fiscal years after fiscal year

63 nineteen hundred and ninety-four, adjusted for inflation as set
64 forth in subsection (n) of this section.

65 (b) (1) As used in this section, the allowable enrollment of a
66 district for use in calculating the foundation budget for any school
67 year shall be the most recent enrollment figures available, as
68 determined by the department of education, by grade level, for
69 kindergarten through grade twelve; provided that for the purposes
70 of all calculations in the foundation budget, kindergarten
71 enrollments will be divided in half; and provided further that any
72 student attending a school outside of their district of residence
73 under the provisions of section twelve B of chapter 76 as amended
74 and any student attending a charter school under the provisions
75 of chapter 71C shall be included in the allowable enrollment of
76 their district of residence, and excluded from the allowable
77 enrollment of the district in which the receiving school or charter
78 school is located.

79 (2) As used in this section, the "low-income enrollment" of a
80 district is the allowable enrollment of the district multiplied by
81 the percentage of students in the district who are receiving free
82 or reduced cost lunches under eligibility guidelines promulgated
83 by the federal government under 42 U.S.C. section 1758.

84 (3) Each student who resides in the district shall be placed in
85 one and only one of the following categories depending on the
86 grade and/or program to which the student is assigned. Students
87 who are attending a district, of which they are not a resident, after
88 June thirtieth of nineteen ninety-one under the provisions of
89 section twelve B of chapter 76, and students who are attending
90 a charter school under the provisions of chapter 71C, shall be
91 counted in the enrollment of the district in which they live.

92 (A) The "assumed special education enrollment" of a district
93 is the lesser of either the total allowable enrollment of the district
94 multiplied by thirty-five one-thousandths, or the total allowable
95 enrollment of the district multiplied by the statewide average
96 percentage of students enrolled in special education programs as
97 determined by the department of education;

98 (B) The "assumed tuitioned special education enrollment" of
99 a district is the lesser of either the total allowable enrollment of
100 the district multiplied by one one-thousandth, or the total
101 allowable enrollment of the district multiplied by the statewide

102 average percentage of students enrolled in special education
103 programs for which the school district pays tuition, as determined
104 by the department of education;

105 (C) The "bilingual enrollment" of a district is the allowable
106 enrollment of the district multiplied by the percentage of students
107 in the district enrolled in transitional bilingual programs, as
108 determined by the department of education;

109 (D) The "vocational enrollment" of a district is the allowable
110 enrollment of the district multiplied by the percentage of students
111 in the district enrolled in vocational-technical and occupational
112 education programs, as determined by the department of
113 education, provided that agricultural programs shall be
114 considered occupational programs for the purposes of this section;

115 (E) The "kindergarten enrollment" of a district is the number
116 of students in the allowable enrollment figure who are attending
117 kindergarten and not enrolled in bilingual or special education
118 programs, as defined in (b)(3)(A) through (b)(3)(D) of this
119 section;

120 (F) The "grade one enrollment" of a district is the number of
121 students in the allowable enrollment figure who are attending
122 grade one and not enrolled in bilingual or special education
123 programs, as defined in (b)(3)(A) through (b)(3)(D) of this
124 section;

125 (G) The "grade two enrollment" of a district is the number of
126 students in the allowable enrollment figure who are attending
127 grade two and not enrolled in bilingual or special education
128 programs, as defined in (b)(3)(A) through (b)(3)(D) of this
129 section;

130 (H) The "grade three enrollment" of a district is the number
131 of students in the allowable enrollment figure who are attending
132 grade three and not enrolled in bilingual or special education
133 programs, as defined in (b)(3)(A) through (b)(3)(D) of this
134 section;

135 (I) The "grade four enrollment" of a district is the number of
136 students in the allowable enrollment figure who are attending
137 grade four and not enrolled in bilingual or special education
138 programs, as defined in (b)(3)(A) through (b)(3)(D) of this
139 section;

140 (J) The “grade five enrollment” of a district is the number of
141 students in the allowable enrollment figure who are attending
142 grade five and not enrolled in bilingual or special education
143 programs, as defined in (b)(3)(A) through (b)(3)(D) of this
144 section;

145 (K) The “grade six enrollment” of a district is the number of
146 students in the allowable enrollment figure who are attending
147 grade six and not enrolled in bilingual or special education
148 programs, as defined in (b)(3)(A) through (b)(3)(D) of this
149 section;

150 (L) The “grade seven enrollment” of a district is the number
151 of students in the allowable enrollment figure who are attending
152 grade seven and not enrolled in bilingual or special education
153 programs, as defined in (b)(3)(A) through (b)(3)(D) of this
154 section;

155 (M) The “grade eight enrollment” of a district is the number
156 of students in the allowable enrollment figure who are attending
157 grade eight and not enrolled in bilingual or special education
158 programs, as defined in (b)(3)(A) through (b)(3)(D) of this
159 section;

160 (N) The “grade nine enrollment” of a district is the number of
161 students in the allowable enrollment figure who are attending
162 grade nine and not enrolled in bilingual, vocational, or special
163 education programs, as defined in (b)(3)(A) through (b)(3)(D)
164 of this section;

165 (O) The “grade ten enrollment” of a district is the number of
166 students in the allowable enrollment figure who are attending
167 grade ten and not enrolled in bilingual, vocational, or special
168 education programs, as defined in (b)(3)(A) through (b)(3)(D)
169 of this section;

170 (P) The “grade eleven enrollment” of a district is the number
171 of students in the allowable enrollment figure who are attending
172 grade eleven and not enrolled in bilingual, vocational, or special
173 education programs, as defined in (b)(3)(A) through (b)(3)(D)
174 of this section;

175 (Q) The “grade twelve enrollment” of a district is the number
176 of students in the allowable enrollment figure who are attending
177 grade twelve and not enrolled in bilingual, vocational, or special

178 education programs, as defined in (b)(3)(A) through (b)(3)(D)
179 of this section;

180 (c) The "foundation staff" of a district for purposes of
181 calculating the wage and salary expense components of the
182 foundation budget shall be determined on the basis of the
183 enrollments, defined in section two (b) and as set forth below:

184 (1) The number of "foundation teachers" of a district shall be
185 determined as follows: fifteen students per foundation teacher in
186 kindergarten; twenty-two students per foundation teacher in
187 grades one through four; twenty-four per foundation teacher in
188 grades five and six; twenty-five students per foundation teacher
189 in grades seven and eight; eighteen students per foundation
190 teacher in grades nine through twelve; fifteen students per
191 foundation teacher in transitional bilingual programs; ten
192 students per foundation teacher in vocational-technical and
193 occupational programs; eight students per foundation teacher in
194 special education programs; and three foundation teachers per
195 one hundred low-income students.

196 (2) The number of "foundation support staff" of a district shall
197 be determined as follows: one and forty-five one-hundredths
198 foundation support staff per one hundred students in kindergarten
199 through grade six, including bilingual students in those grades;
200 two and eight-tenths foundation support staff per one hundred
201 students in grades seven and eight, including bilingual students
202 in those grades; forty-two one-hundredths foundation support
203 staff per one hundred students in grades nine through twelve,
204 including bilingual and vocational-technical enrollments in those
205 grades; seven and six-tenths foundation support staff per one
206 hundred students in special education programs and an additional
207 one and five-tenths foundation support staff per one hundred
208 students in special education programs.

209 (3) The number of "foundation aides" of a district shall be
210 determined as follows: one and two-tenths foundation aides per
211 one hundred students in kindergarten through grade six, including
212 bilingual students in those grades; two-tenths foundation aides per
213 one hundred students in grades seven and eight, including
214 bilingual students in those grades; eight one-hundredths
215 foundation aides per one hundred students in grades nine through

216 twelve, including bilingual and vocational-technical enrollments
217 in those grades; and twelve and five-tenths foundation aides per
218 one hundred students in special education programs

219 (4) The number of "foundation principals" of a district shall
220 be determined as follows: three-tenths foundation principals per
221 one hundred students in kindergarten through grade six, including
222 bilingual and special education students in those grades; thirty-
223 five one-hundredths foundation principals per one hundred
224 students in grades seven and eight, including bilingual and special
225 education students in those grades; and thirty-five one-hundredths
226 foundation principals per one hundred students in grades nine
227 through twelve, including bilingual, special education and
228 vocational-technical students in those grades.

229 (5) The number of "foundation clerical staff" of a district shall
230 be determined as follows: forty-five one-hundredths foundation
231 clerical staff per one hundred students in kindergarten through
232 grade twelve, including bilingual and vocational-technical
233 enrollments in those grades; two foundation clerical staff per one
234 hundred students in special education programs; and two-tenths
235 foundation clerical staff per one hundred students in kindergarten
236 through grade twelve, including bilingual, vocational-technical
237 and special education students in those grades for central admin-
238 istrative clerical support.

239 (6) The number of "foundation nursing staff" of a district shall
240 be determined as follows: fifteen one-hundredths foundation
241 nursing staff per one hundred students in kindergarten through
242 grade six, including bilingual and special education students in
243 those grades; one-tenth foundation nursing staff per one hundred
244 students in grades seven and eight including bilingual and special
245 education students in those grades; and five one-hundredths
246 foundation nursing staff per one hundred students in grades nine
247 through twelve, including bilingual, special education and
248 vocational-technical students in those grades.

249 (7) The number of "foundation central office professional
250 staff" of a district shall be determined as follows: two-tenths
251 foundation central office professional staff per one hundred
252 students in kindergarten through grade twelve, including
253 bilingual, vocational-technical, and special education students in
254 those grades.

255 (8) The number of "foundation custodial staff" of a district
256 shall be determined as follows: one foundation custodial staff per
257 ten combined foundation teachers and foundation support staff.

258 (d) The "wage adjustment factor" for each city and town in the
259 commonwealth shall be determined as follows: one plus one third
260 of a fraction, the numerator of which is calculated by subtracting
261 the average annual wage of the commonwealth from the sum of
262 two-tenths of the average annual wage in the city or town plus
263 eight-tenths of the average annual wage for all jobs in the labor
264 market area in which the town is located, and the denominator
265 of which is the annual wage for the commonwealth.

266 (e) The "foundation salary amount" for a district shall be
267 determined as follows: the sum of: the number of foundation
268 teachers and foundation support staff in the district multiplied by
269 the average annual wage for teachers in the commonwealth as
270 determined by the secretary of education; plus the number of
271 foundation principals in the district multiplied by the average
272 annual wage for principals in the commonwealth as determined
273 by the secretary of education; plus the number of foundation aides
274 in the district multiplied by the average annual wage for aides in
275 the commonwealth as determined by the secretary of education;
276 plus the number of foundation clerical staff multiplied by the
277 average annual wage for clerical staff in the commonwealth as
278 determined by the secretary of education; plus the number of
279 foundation nursing staff in the district multiplied by the average
280 annual wage for school nursing staff as determined by the
281 secretary of education; plus the number of foundation central
282 office professional staff multiplied by the average annual wage for
283 professional office staff as determined by the secretary of
284 education; plus the number of foundation custodial staff
285 multiplied by the average annual wage and overtime costs for
286 custodial staff in the commonwealth as determined by the
287 secretary of education; multiplied by a wage adjustment factor
288 established in (d).

289 (f) The "foundation supplies and equipment amount" for a
290 district shall be determined as follows: two hundred forty-nine
291 dollars per student in kindergarten through grade eight, including
292 bilingual and special education students in those grades; plus three
293 hundred and eighty-seven dollars per student in grades nine

294 through twelve including bilingual and special education students
295 in those grades; plus six hundred and sixty-three dollars per
296 vocational-technical student; plus one hundred and ninety-three
297 dollars per special education student.

298 (g) The "athletics amount" for a district shall be determined
299 as follows: forty-nine dollars per student in grade seven and grade
300 eight, including bilingual and special education students in those
301 grades; plus one hundred and ninety-five dollars per student in
302 grades nine through twelve including bilingual and special
303 education students in those grades;

304 (h) The "professional growth and development amount" for the
305 district shall be determined as follows: the combined salary
306 amount for foundation teachers and foundation support staff
307 multiplied by twenty-five one-thousandths.

308 (i) The "extracurricular activity amount" for a district shall be
309 determined as follows: twenty-two dollars per student in
310 kindergarten through grade six, including bilingual and special
311 education students in those grades; plus thirty-two dollars per
312 student in grades seven and eight, including bilingual and special
313 education students in those grades; plus forty-three dollars per
314 student in grades nine through twelve including bilingual,
315 vocational-technical and special education students in those
316 grades.

317 (j) The "facilities maintenance amount" for a district shall be
318 determined as follows: one thousand seventy-six dollars per one
319 thousand square feet for general maintenance; plus nine hundred
320 fifty-six dollars per one thousand square feet for utilities; plus
321 three thousand two hundred twenty-seven dollars per teacher for
322 extraordinary maintenance costs; provided however, that for the
323 purposes of these calculations the number of square feet in a
324 district shall be equal to two thousand per foundation teacher and
325 foundation support staff as defined in (c)(1) and (c)(2).

326 (k) The "insurance and benefits amount" for a district shall be
327 determined as follows": the product of the number of foundation
328 staff as determined in (c)(1) through (c)(8) of this section times
329 nine-tenths and then times four thousand seven hundred ninety-
330 one dollars, plus five hundred and eight dollars per foundation
331 staff as determined in (c)(1) through (c)(8).

332 (l) The "other special education amount" for a district shall be
333 determined as follows: ten thousand eight hundred and thirty-
334 three dollars times sixth-tenths of the enrollments determined in
335 (b)(3)(B) of this section; plus sixteen thousand two hundred and
336 fifty dollars times four-tenths of the enrollments determined in
337 (b)(3)(B) of this section.

338 (m) The "miscellaneous amount" for a district shall be
339 determined as follows: thirty-eight dollars per student, as
340 determined in (b)(1) of this section, per year for substitute
341 teachers; plus thirty-three dollars per student as determined in
342 (b)(1) of this section, per year for miscellaneous legal costs.

343 (n) The monetary factors listed in (f) through (m) shall be
344 adjusted for inflation, which shall be four percent or an amount
345 as determined by the consumer price index for the Commonwealth
346 for the most recent one year period available, whichever is less.

347 (o) Except as required by law, each school district may
348 determine how to allocate any funds appropriated for public
349 education without regard to the categories employed in this
350 section, provided, however, that beginning with fiscal year 1997
351 in no case shall the combined municipal and school district appro-
352 priations for education, as determined by the department of
353 education, be less than the amount of the foundation budget, plus
354 the cost of pupil transportation and debt service, for any school
355 district in any given school year.

356 (p) The secretary of education shall annually publish the
357 foundation budget for each school district in the commonwealth
358 on or before the date on which the governor submits his budget
359 recommendations to the general court. The secretary shall
360 promulgate any regulations necessary for the calculation of the
361 foundation budget.

362 Section 3. (a) The "standard of local effort" for a community
363 for a fiscal year shall be calculated annually by the secretary of
364 education as set forth in this section.

365 (b) The "per capita income" of a community shall be the most
366 recent average annual per capita income available for each city
367 and town in the commonwealth.

368 (c) The "equalized property valuation" of a community shall
369 be the most recent annual equalized property valuation available,

370 as determined by the department of revenue pursuant to the provi-
371 sions of sections nine, ten, and ten C of chapter 58, for each city
372 and town in the commonwealth.

373 (d) The "adjusted property wealth" of a community shall be
374 determined as follows: the equalized property valuation of a
375 community, multiplied by the product of the per capita income
376 of that community divided by the average annual per capita
377 income for the commonwealth; provided, however, that in no case
378 shall the adjusted property wealth exceed the equalized property
379 valuation of a community.

380 (e) The "average school support level" shall be a uniform dollar
381 amount per one thousand dollars of property value for every
382 community in the commonwealth to be determined as follows: the
383 sum total amount of local own source spending on schools for
384 every city and town in the commonwealth, as determined by the
385 department of education, divided by the sum total of the adjusted
386 property wealth in the commonwealth as determined in (d) of
387 this section.

388 (f) The standard of local effort shall be determined as follows:
389 the product of the adjusted property wealth of a community, as
390 determined in (d) of this section, divided by one thousand,
391 multiplied by the average school support level, as determined in
392 (e) of this section; provided, however, that for the purposes of
393 determining the standard of local effort for a community that is
394 a member of a regional school district, the regional share of local
395 effort shall be in direct proportion to the percentage of the
396 enrollment in that regional school district attributable to that
397 community.

398 (g) Except as required by law, each municipality shall appro-
399 priate from local sources, by no later than fiscal year two
400 thousand, without regard to the categories employed in this
401 section, an amount equal to not less than the standard of local
402 effort, as determined in (f) of this section, for the support of
403 public education in the school district or districts of which that
404 municipality is a member; provided that for a municipality that
405 is a member of a regional school district, the required local expen-
406 diture shall include a required contribution to that regional school
407 district in accordance with the provisions of (f); provided further,
408 however, that communities that are members of a regional school

409 district may make their required contribution in accordance with
410 any regional agreements established pursuant to chapter 71 as
411 long as the aggregate amount of said contributions from all
412 members of said regional school district is equal to the aggregate
413 regional share of standard of local effort for those communities.
414 For fiscal year nineteen hundred and ninety-four and for each
415 fiscal year thereafter, the required local expenditure for a
416 municipality shall be the current local effort as defined in
417 section four (b) plus: the standard of local effort minus the
418 current local effort; multiplied by the phase in factor defined in
419 section four (g); provided that beginning in fiscal year nineteen
420 hundred and ninety-four and for each fiscal year thereafter, said
421 amounts shall be appropriated in accordance with the provisions
422 of section two (o); and provided further, however, that, beginning
423 in fiscal year nineteen hundred and ninety-four and for each year
424 thereafter, under no circumstances shall a municipality appro-
425 priate from local sources an amount less than the current local
426 effort as determined in section four (b) for the support of public
427 education in the school district or districts to which that
428 municipality is a member if said current local effort is greater than
429 the standard of local effort as determined in (f) of this section.
430 For fiscal year nineteen hundred ninety-five, and for each fiscal
431 year thereafter, the required local expenditure shall be adjusted
432 by a inflationary amount as determined in (h).

433 (h) The adjustment for inflation on the standard of local effort
434 shall be two and one half percent per year.

435 (i) The secretary of education shall annually publish the
436 standard of local effort for each municipality in the common-
437 wealth on or before the date on which the governor submits his
438 budget recommendations to the general court. The secretary shall
439 promulgate any regulations necessary for the calculation of the
440 standard of local effort.

441 Section 4. (a) The "total education aid" for a city, town or
442 regional school district for a fiscal year shall be calculated
443 annually by the secretary of education as set forth in this section.

444 (b) The "current local effort" for a community shall be
445 determined as follows: an amount equal to the amount spent on
446 public schools by a given community, from all local sources, as
447 determined by the department of education, excluding amounts

448 spent on debt service and pupil transportation, in fiscal year
449 nineteen hundred and ninety-three; provided, however, that for
450 the purposes of determining the current local effort for a
451 community that is a member of a regional school district, the
452 expected contribution of the member communities in that district
453 shall be in direct proportion to the percentage of the enrollment
454 at that school attributable to that community.

455 (c) The "base aid" to a city, town or regional school district
456 shall be determined as follows: an amount equal to at least the
457 amount received by that city, town or regional school district for
458 educational purposes, excluding amounts received for the costs
459 of debt service and pupil transportation, as determined by the
460 secretary of education, in fiscal year nineteen hundred and ninety-
461 three.

462 (d) The "foundation aid" to a city, town or regional school
463 district shall be determined as follows: the sum of the foundation
464 budget for a city, town or regional school district as determined
465 in section two minus the current local effort, or standard of local
466 effort, whichever is greater, for that city or town or, in the case
467 of a regional school district, that portion of the member
468 communities' current local effort or standard of local effort,
469 whichever is greater, attributable to the regional school district;
470 minus the base aid for a city, town or regional school district;
471 provided, however, that foundation aid can never equal less than
472 zero for any city, town or regional school district. In addition,
473 communities in which the current local effort, as determined in
474 (b) of this section, is greater than the standard of local effort as
475 determined in section three shall receive aid above and beyond
476 foundation aid in an amount equal to the current local effort or
477 the foundation budget, whichever is less, minus the standard of
478 local effort or some portion of the difference thereof; provided
479 that the amount of aid sent under this provision of this sentence
480 shall under no circumstances be greater than any increases in the
481 amount of local spending required under section three; provided
482 however, that for a community that is a member of a regional
483 school district, amounts sent under the provisions of this sentence
484 shall include an amount attributable to the regional or regionals
485 of which that community is a member.

486 (e) The "minimum aid" to a city, town or regional school
487 district shall be determined as follows: each city, town or regional
488 school district will receive a minimum of one hundred dollars per
489 foundation enrollment, as defined in section two (b)(1) above,
490 and beyond the base aid they receive pursuant to (c) of this
491 section; provided that any city, town or regional school district
492 that receives fifty-one hundred dollars or more per foundation
493 enrollment from foundation aid, as determined in (d) of this
494 section, shall be ineligible for any minimum aid. Under the provi-
495 sions of this section, a city, town or regional school district that
496 receives foundation aid greater than zero, but less than one
497 hundred dollars per foundation enrollment, as defined in
498 section two (b)(1), shall receive minimum aid equal to the
499 difference between the amount they receive per foundation
500 enrollment from foundation aid, as determined in (d) of this
501 section, and one hundred dollars.

502 (f) For the purposes of this section, in order to be eligible for
503 regional school incentive aid, a regional school district must
504 include at least either ten communities or ten thousand students.

505 Subject to appropriation, any regional school district shall be
506 eligible for "regional school incentive aid" in an amount equal to:
507 fifty dollars per enrollment, as defined in two (b)(1), in fiscal year
508 nineteen hundred and ninety-four; forty dollars per foundation
509 enrollment, as defined in two (b)(1), in fiscal year nineteen
510 hundred and ninety-five; thirty dollars per foundation enrollment,
511 as defined in two (b)(1), in fiscal year nineteen hundred and
512 ninety-six; twenty dollars per foundation enrollment, as defined
513 in two (b)(1), in fiscal year nineteen hundred and ninety-seven;
514 and ten dollars per foundation enrollment, as defined in two
515 (b)(1), in fiscal year nineteen hundred and ninety-eight. Regional
516 school districts shall not be eligible for regional school incentive
517 aid for more than five years. Independent vocational-technical
518 schools and county agricultural schools shall not be eligible for
519 regional school incentive aid.

520 Subject to appropriation, any regional school district formed
521 after fiscal year nineteen hundred and ninety-four shall be eligible
522 for regional school incentive aid for the five years following the
523 establishment of said regional school district in an amount equal

524 to: fifty dollars per foundation enrollment, as defined in two
525 (b)(1), in the first fiscal year following the establishment of said
526 regional school district; forty dollars per foundation enrollment,
527 as defined in two (b)(1), in the second fiscal year following the
528 establishment of said regional school district; thirty dollars per
529 foundation enrollment, as defined in two (b)(1), in the third fiscal
530 year following the establishment of said regional school district;
531 twenty dollars per foundation enrollment, as defined in two
532 (b)(1), in the fourth fiscal year following the establishment of said
533 regional school district; and ten dollars per foundation
534 enrollment, as defined in two (b) (1), in the fifth fiscal year
535 following the establishment of said regional school district.

536 (g) The "phase in factor" shall be an amount equal to: an
537 amount determined by the secretary of education for fiscal year
538 nineteen ninety-four; twenty-five percent for fiscal year nineteen
539 ninety-five; forty percent for fiscal year nineteen hundred and
540 ninety-six; fifty-five percent for fiscal year nineteen hundred and
541 ninety-seven; and seventy percent for fiscal year nineteen hundred
542 and ninety-eight; eighty-five percent for fiscal year nineteen
543 hundred and ninety-nine; and one hundred percent for fiscal year
544 two thousand.

545 (h) Subject to appropriation, by no later than fiscal year two
546 thousand, each city, town and regional school district in the
547 commonwealth shall receive total education aid equal to the sum
548 of the amounts to which it is entitled under the provisions of
549 (c), (d), (e), and (f) of this section, provided, however that the
550 secretary of education shall calculate education aid to each city,
551 town and regional school district for each fiscal year up to and
552 including fiscal year two thousand based on the gap between the
553 amount of education aid appropriated and the total amount of
554 education aid eligible to school districts under the provisions of
555 (c), (d), (e) and (f) of this section in accordance with the provi-
556 sions of the education aid phase-in factor as defined in (g) of this
557 section. All monies sent to communities under the provisions of
558 this chapter shall be used by the receiving community solely for
559 the purposes of funding public education in the district or districts
560 of which that community is a member.

561 (i) The secretary of education shall annually publish the total
562 education aid for each municipality and regional school district

563 in the commonwealth on or before the date on which the governor
564 submits the budget recommendations to the general court. The
565 secretary shall promulgate any regulations necessary for the
566 calculation of education aid.

567 (j) The "foundation budget per-student spending" of each
568 district shall be calculated as a fraction, as follows: The numerator
569 shall be calculated by subtracting from the total foundation
570 budget of the district the other special education amount, as
571 defined in section 2 (1) above, and the following two products:
572 the product of seven hundred and fifty dollars times the low-
573 income enrollment in the district, as defined in section 2 (b)(2),
574 and the product of seven hundred and fifty dollars times the
575 bilingual enrollment, as defined in section 2 (b)(3) (C) above.
576 The denominator shall be the district's allowable enrollment as
577 defined in section 2 (b)(1) above. The "foundation budget
578 bilingual education student supplement" shall be seven hundred
579 and fifty dollars per student, and the "foundation budget low-
580 income student supplement" shall be seven hundred and fifty
581 dollars per student. The monetary amounts in this subsection shall
582 be adjusted for inflation at the rate of four percent per year or
583 an amount as determined by the consumer price index for the
584 commonwealth for the most recent one year period available,
585 whichever is less.

586 (k) The district's per-student spending shall be calculated as a
587 fraction: The numerator shall be calculated as the sum of the
588 district's current local effort, as defined in subsection (b) above,
589 and the district's base aid, as defined in subsection (c) above,
590 minus the other special education amount, as defined in
591 section 2 (1) above, and minus the following two products: the
592 product of seven hundred and fifty dollars times the low-income
593 enrollment in the district, as defined in section 2 (b)(2), and the
594 product of seven hundred and fifty dollars times the bilingual
595 enrollment, as defined in section 2 (b)(3)(C) above. The
596 denominator shall be the district's allowable enrollment as defined
597 in section 2 (b)(1) above.

1 SECTION 3. The General Laws, as appearing in the 1990
2 Official Edition, as amended, are hereby further amended by
3 striking chapter 70A in its entirety.

1 SECTION 4. Section 12B of chapter 76 of the General Laws,
2 as amended, is hereby further amended by striking said section
3 in its entirety and inserting in place thereof the following new
4 section: —

5 Section 12B. (a) Notwithstanding the provisions of section
6 twelve, or any other special or general law to the contrary, any
7 child may attend a public school, including a charter school
8 established in accordance with chapter 71C, in a city or town
9 where he does not reside.

10 (b) By such date as determined by the secretary of education,
11 each charter school and the school committee of each city, town
12 or regional school district shall each year submit a report to the
13 secretary stating:

14 (1) The capacity of said charter school or each school in said
15 city, town or regional school district for the following academic
16 year.

17 (2) The number of students expected to attend said charter
18 school and each school in said city, town, or regional school
19 district in the following academic year.

20 (3) The number of seats therefore available to non-resident
21 students in said charter school or each school in said city, town
22 or regional school district.

23 (c) Each charter school, and each city, town or regional school
24 district must enroll non-resident students at the school of such
25 non-resident student's choice, provided, however, that such
26 charter school or receiving city, town or regional school district
27 has seats available as stated in said report. If the city, town or
28 regional school district operates an intradistrict choice plan, non-
29 resident students may apply for schools on the same basis as
30 resident students, but the intradistrict choice plan may give
31 preference to resident students in assigning students to schools.

32 (d) By the first day of October or such date as determined by
33 the secretary of education, each city, town or regional school
34 district and each charter school shall each year submit a second
35 report to the secretary stating the number of non-resident appli-
36 cants for each available seat in each school and the disposition
37 of their applications.

38 (e) For each student enrolling in a school, other than a charter
39 school, outside his or her district, the secretary of administration

40 and finance is hereby authorized and directed to deduct from the
41 total education aid, as defined in section four (a) of chapter 70,
42 of said student's resident district an amount equal to said district's
43 foundation budget per-student spending, as defined in
44 subsection (j) of said section, or said district's current per-student
45 spending, as defined in subsection (k) of said section, whichever
46 is less. If said student is in a kindergarten program other than a
47 full day kindergarten, the amount deducted shall be reduced by
48 one half. If said student is enrolled in a bilingual program or is
49 receiving free or reduced cost lunches under eligibility guidelines
50 promulgated by the federal government under 42 U.S.C. section
51 1758, the secretary shall further deduct the foundation budget
52 bilingual education student supplement and/or the foundation
53 budget low-income student supplement, as applicable for such
54 student, both as defined in subsection (j) of said section four of
55 chapter 70, from said district's total education aid. If, in a single
56 district, the total of all such deductions exceeds the total education
57 aid of section four of chapter 70, the city or town shall be required
58 to remit to the commonwealth this excess amount.

59 (f) The sum of said foundation budget per-student spending
60 (even if such amount is greater than the sending district's per-
61 student spending) and any applicable student supplements for
62 which that student is eligible shall be referred to herein as that
63 student's "tuition"; provided, however, that if this student is
64 enrolled in a kindergarten program other than a full day
65 kindergarten, this sum shall be reduced by one half. The secretary
66 of administration and finance is further directed to disburse to
67 the city, town or regional school district enrolling such non-
68 resident students an amount equal to eighty-five percent of each
69 student's tuition.

70 (g) Whenever fifteen or more students from a single city or
71 town attend one or more public schools, including a charter
72 school, in the same receiving district, the sending district shall
73 transport all such students to a single transfer point in the
74 receiving district, and the receiving district shall transport the
75 students to the chosen school or schools. Upon providing
76 transportation of non-resident students, the receiving district shall
77 notify the secretary of education, who shall verify such transpor-
78 tation and give notice to the secretary of administration and

79 finance. For each such student provided transportation, the
80 secretary of administration and finance shall provide to the
81 sending district an amount equal to seventy-five one-thousandths
82 of that student's tuition, and, to the receiving district, an amount
83 equal to seventy-five one-thousandths of that student's tuition.

84 (h) The commissioner of education shall establish and maintain
85 a parent information office which shall disseminate information
86 to parents of public school children of their option to choose a
87 school outside of their district or a charter school. Detailed and
88 comparable information on each school disseminated to parents
89 shall include, but not be limited to, objective information on the
90 quality and performance of each school (including but not limited
91 to the Massachusetts Assessment of Education Progress (MAEP)
92 and other test scores), special programs offered by the school, the
93 information defined in (b) and (d) above, the educational
94 mission of the school, and the pedagogical means employed to
95 obtain this mission.

96 The office shall have as its primary goal to ensure that all
97 parents have an equal opportunity to participate in the program
98 of interdistrict choice.

99 (i) No school shall discriminate in the admission of any child
100 on the basis of race, color, religious creed, national origin, sex,
101 age, ancestry, athletic performance, physical handicap, special
102 need or academic performance, or proficiency in the English
103 language. The Massachusetts Commission Against Discrimina-
104 tion, established by section fifty-six of chapter 151B, shall have
105 jurisdiction to enforce the provisions of this section.

1 SECTION 5. Section twenty-three of chapter six of the Acts
2 of nineteen hundred and ninety-one is hereby repealed.

1 SECTION 6. Section three hundred and four of chapter one
2 hundred and thirty-eight of the Acts of nineteen hundred and
3 ninety-one is hereby repealed.

1 SECTION 7. Section six of chapter one hundred and thirty-
2 three of the Acts of nineteen hundred and ninety-two is hereby
3 repealed.

1 SECTION 8. The General Laws, as appearing in the 1990
2 Official Edition, are hereby amended by inserting after
3 chapter 15C the following new chapter: —

4 **CHAPTER 15D.**

5 **CHARTER SCHOOL COMMISSION.**

6 Section 1. There shall be a Charter School Commission
7 consisting of eleven members as follows: the secretary of education
8 and the commissioner of education, both of whom shall be
9 members ex officio, and nine other members appointed by the
10 governor, three of whom shall be educational leaders with
11 expertise in primary or secondary education; two of whom shall
12 be parents of children currently attending public schools, whether
13 district or charter, in the commonwealth at the primary or
14 secondary level; and four of whom shall be senior officers of
15 enterprises with a principal place of business in the common-
16 wealth.

17 The governor shall appoint the chairperson of the commission.
18 The term of all commission members shall be five years and no
19 commission member shall serve for more than two consecutive
20 terms. Any vacancy during the term of a commission member shall
21 be filled by the governor for the unexpired balance of the term
22 with a person possessing the same type of qualifications as the
23 predecessor member.

24 Members of the commission shall serve without compensation
25 but shall be reimbursed for their expenses actually and necessarily
26 incurred in the discharge of their duties.

27 Section 2. The commission shall be primarily responsible for
28 overseeing the implementation of Chapter 71C of the General
29 Laws providing for the establishment and operation of charter
30 schools, including, without limitation, the following duties which
31 are described more fully in said Chapter 71C:

32 (1) Accept and review petitions for a charter to operate a
33 charter school;

34 (2) Grant charters to operate a charter school on such terms
35 or conditions as the commission deems fit;

36 (3) Appoint members of the board of directors of charter
37 schools from nominees identified in the charter petition;

38 (4) Review and approve amendments to a charter and appli-
39 cations to extend a charter for another five-year term;
40 (5) Determine the certified appropriation for each charter
41 school.

42 (5) Review annual reports to be filed by charter schools;
43 (6) Initiate procedures to revoke a charter.

44 Section 3. Subject to appropriation, the commission shall be
45 staffed initially by an executive director and clerk/secretary, plus
46 such additional personnel from the Department of Education as
47 may be requested by the chairperson of the commission and
48 released from their current duties for that temporary assignment
49 by the commissioner of education.

1 SECTION 9. The General Laws, appearing in the 1990 Official
2 Edition, are hereby amended by inserting after chapter 71B the
3 following new chapter: —

CHAPTER 71C. CHARTER SCHOOLS.

6 Section 1. The following words as used in this chapter shall,
7 unless the context requires otherwise, have the following
8 meanings:

9 "Board", the board of directors consisting of five individuals
10 as constituted in accordance with section 5 of this chapter.

11 "Certified appropriation", the amount of funds certified by the
12 commission to each charter school as available for expenditure
13 during the fiscal year.

14 "Charter", the contract under which a board operates a charter
15 school, consisting of the terms proposed in the petition as
16 approved by the commission with or without modification, and
17 as may be amended from time to time with the approval of the
18 commission.

19 "Charter school", a public school established under a charter
20 granted by the commission and managed in accordance with its
21 charter and the provisions of this chapter.

22 "Commission", the Charter Schools Commission established
23 under chapter 15D of the General Laws.

24 “District school,” a public school established under chapter 71
25 of the General Laws and managed by a school committee.

26 “Person”, any individual or group of individuals, unincorpo-
27 rated association, partnership, or corporation, whether for-profit
28 or not-for-profit.

29 “Responsible School Committee”, the school committee having
30 jurisdiction over the city or town in which the school age child
31 actually resides.

32 Section 2. (a) Subject to the limitations set forth in subsec-
33 tion (b) and (c) below, any person may submit a petition to the
34 commission to grant a charter to the board of directors nominated
35 in the petition to operate a charter school within the Common-
36 wealth. Every such petition must be accompanied by the written
37 commitment of the parents or guardians of at least fifty school-
38 age children who intend to enroll in the proposed charter school
39 if the charter is granted.

40 A petition shall address the following elements:

41 (1) A description of the educational program of the school.

42 (2) The measurable pupil outcomes identified for use by the
43 charter school.

44 (3) The method by which pupil progress in meeting those pupil
45 outcomes is to be measured.

46 (4) The proposed facility for the school.

47 (5) The proposed composition of the board of directors, and
48 the nominees thereto.

49 (6) The governance structure of the school.

50 (7) The qualifications to be met by individuals to be employed
51 by the school.

52 (8) The procedures that the school will follow to ensure the
53 health and safety of pupils and staff.

54 (9) Admission requirements, if applicable.

55 (10) The manner in which an annual audit of the financial and
56 programmatic operations of the school is to be conducted.

57 (11) The procedures by which pupils can be suspended or
58 expelled.

59 A petition must be filed with the commission no later than
60 February 1 in a given year for a charter school to commence
61 operation in September of that year. The commission may in its

62 discretion waive this filing deadline, but in no event shall a charter
63 school commence operations at any time other than September
64 of a given year. No later than sixty days after receiving a petition
65 which addresses substantially all of the elements set forth above,
66 the commission shall act on said petition either by rejecting it or
67 granting a charter based upon the petition as originally submitted
68 or as modified through negotiation with the person submitting
69 the petition.

70 Every charter granted by the commission shall authorize the
71 operation of the charter school for a period of five years, unless
72 the charter is sooner revoked in accordance with Section 11 of
73 this chapter. A charter may be renewed for successive five year
74 periods upon application by the board filed at least six months
75 prior to the expiration of the then current period. The application
76 for renewal shall be granted by the commission if it determines
77 that the charter school has satisfactorily implemented the terms
78 of its charter and has maintained compliance with this chapter.

79 (b) A petition may be filed to convert a district school to a
80 charter school, but only if the incumbent principal, and at least
81 two-thirds of the incumbent faculty, and the parents or guardians
82 of more than fifty percent of the enrolled students approve of the
83 conversion. If the commission grants the requested charter, the
84 school committee formerly having jurisdiction over that school
85 shall transfer care and custody of the school facility and the
86 furniture and equipment (including books) customarily used
87 therein, to the charter school; provided, however, that the charter
88 school formed from the conversion of a district school shall pay
89 annually to the city or town in which the school is located the
90 annual debt service, net of state aid, allocable to that school; and
91 provided further, that if the charter is ever revoked, the facility
92 and the furniture and equipment received from the city or town,
93 shall be returned to the city or town in which the school is located.
94 Any faculty or staff not hired by the charter school shall be
95 released or reassigned within the district as though the school had
96 been closed. Not more than fifty percent of the grade level capacity
97 of a single city or town may be converted to charter school status
98 unless more than fifty percent of the district school teachers and
99 the parents or guardians of more than fifty percent of the students
100 enrolled in the district vote in favor of such conversion.

101 (c) Notwithstanding anything in subsection (b) to the
102 contrary, if the commission determines that any district school
103 in the commonwealth has experienced an enrollment decline, as
104 determined by the October enrollment report submitted to the
105 department of education, in excess of fifteen percent of the
106 enrollment of the previous year, the commission shall invite
107 proposals from any interested person to convert that district
108 school into a charter school, with or without the approvals
109 required in subsection (b) above.

110 Section 3. A charter school established under a charter granted
111 by the commission shall be a body politic and corporate with all
112 powers necessary or desirable for carrying out its charter program,
113 including, but not limited to, the following: —

114 (a) to adopt a name and corporate seal; provided, however, that
115 any name selected must include the words "charter school";

116 (b) to sue and be sued, but only to the same extent and upon
117 the same conditions that a town can be sued;

118 (c) to acquire real property, from public or private sources, by
119 lease, lease with an option to purchase, or by gift, for use as a
120 school facility;

121 (d) to receive and disburse funds for school purposes;

122 (e) to make contracts and leases for the procurement of
123 services, equipment and supplies; provided however, that if the
124 board intends to procure substantially all educational services
125 under contract with another person, the terms of such a contract
126 must be approved by the commission, either as part of the original
127 charter or by way of an amendment thereto;

128 (f) to incur temporary debt in anticipation of receipt of funds;

129 (g) to solicit and accept any grants or gifts for school purposes;

130 (h) such other powers available to a business corporation
131 formed under chapter 156B of the General Laws which are not
132 inconsistent with this chapter.

133 Section 4. A charter school shall be subject to the following
134 laws and regulations:

135 (a) it shall be non-sectarian in its programs and operations;
136 provided, however, a charter school may teach and promote moral
137 or social values or philosophy;

138 (b) it shall be open to all school age children who reside in the
139 commonwealth, on a space available basis, and shall not

140 discriminate on the basis of race, color, national origin, creed, sex,
141 ethnicity, mental or physical disability, or proficiency in the
142 English language. A charter school may limit enrollment to
143 specific grade levels or areas of educational focus, such as science
144 or the performing arts. If applications for admission exceed
145 available space, siblings of students already enrolled in the charter
146 school may be given first priority, then and only in the case of
147 a charter school resulting from the conversion of a district school,
148 preference may be given to residents of the district, after which
149 admissions shall be determined by lot. Any student may withdraw
150 from a charter school at any time and return to a school under
151 the jurisdiction of the responsible school committee;

152 (c) it shall comply with the special education assessment, review
153 and service requirements of chapter 71B of the General Laws;
154 provided, however, that any special needs student who is currently
155 enrolled or determined to require a private or residential school
156 shall be referred to the responsible school committee for that
157 service.

158 (d) if twenty or more children of limited English-speaking
159 ability who possess a primary speaking ability in the same
160 language enroll in a charter school, that charter school shall offer
161 such students a program in transitional bilingual education in
162 compliance with the requirements of chapter 71A of the General
163 Laws;

164 (e) it shall provide instruction for at least the minimum number
165 of school days and hours required for all public schools.

166 (f) it shall observe all constitutional due process requirements
167 in the suspension and expulsion of students;

168 (g) it shall comply with all student record laws and regulations
169 applicable to all public schools.

170 (h) it shall comply with all federal laws and regulations applica-
171 ble to it.

172 Except as otherwise expressly provided in this chapter, a charter
173 school shall be exempt from all state general and special laws, and
174 all regulations promulgated thereunder, pertaining to education,
175 government employees, government operations and finance. No
176 such general or special law enacted after the date hereof, or regu-
177 lation promulgated thereunder, shall be construed as being appli-

178 cable to a charter school unless such general or special law
179 specifically states that it applies to charter schools.

180 Section 5. The board of directors shall consist of at least five
181 individuals appointed by the commission upon nomination in a
182 charter petition or amendment thereto. The board shall have the
183 exclusive control and supervision of the charter school. The
184 petition shall state how the chairperson of the board shall be
185 selected. The board shall meet at a regularly scheduled time and
186 place at least once each quarter and at such other times or places
187 as may be specified in a notice given by the chairperson or by any
188 two board members at least twenty-four hours in advance calling
189 for a special meeting and stating the purpose therefor.

190 A majority of the whole board shall constitute a quorum. A
191 simple majority vote of those board members voting, a quorum
192 being present, shall be sufficient for board action. The board may
193 act by telephone conference call during which all members are
194 participating and able to hear each other. The board may act
195 without a meeting by written unanimous consent. The board may
196 delegate some or all of its powers to the chairperson.

197 Any vacancy on the board shall be filled by the person
198 nominated by a majority of the remaining board members and
199 appointed, by way of a charter amendment, by the commission.

200 Any board member may be removed by a majority of the
201 remaining board members, subject to the approval, by way of a
202 charter amendment, by the commission. All board members shall
203 be deemed to be public employees for purposes of tort liability
204 under chapter 258 of the General Liability, and shall be considered
205 special state employees for conflict of interest purposes under
206 chapter 268A of the General Laws. Board members shall perform
207 their duties as board members without compensation; provided,
208 however, that the charter school may bear the reasonable expenses
209 incurred by the board.

210 Section 6. (a) On or before June 15 of each year, a charter
211 school shall certify to the commission the names, addresses and
212 student identification numbers for each student who has been
213 enrolled for the following school year. The charter school shall
214 provide the same information to the Department of Education
215 and the responsible school committees. If the commission

216 determines or is informed that the same student has been claimed
217 by more than one public school, or that the child is enrolled to
218 attend a private school, the commission shall determine which
219 school the parent or guardian intends to utilize and account for
220 that student accordingly.

221 (b) On or before July 15 of each year, the commission shall
222 notify each charter school of its certified appropriation for fiscal
223 year beginning July 1 of that year. The certified appropriation
224 shall equal eighty-five percent of the sum of each enrolling
225 student's tuition, as defined in section 12B (f) of chapter 76 of
226 the General Laws. The commission shall notify the secretary of
227 administration and finance and, to the extent relevant, the responsible
228 school committees of the certified appropriation for each
229 charter school.

230 (c) Each responsible school committee shall transfer its
231 allocable share of the certified appropriation to the charter school
232 or schools. Implementation of this transfer shall be administered
233 by the secretary of administration and finance. To the extent
234 possible, the transfer shall be executed by withholding that sum
235 from the state aid distribution otherwise due to the responsible
236 school committee, and crediting that amount to the account of
237 the charter school. If, in a single district, the total of all such
238 deductions exceeds the total education aid due under section four
239 of chapter 70, the city or town shall be required to remit to the
240 commonwealth this excess amount. The secretary of administration
241 and finance shall cause a disbursement to each charter
242 school of at least one third of the charter school's certified appro-
243 priation no later than August 1 of each year, one third no later
244 than November 1 of each year, one third no later than March 1
245 of each year.

246 (d) On or before October 1 of each year, and on the first of
247 each month thereafter up to and including May 1, each charter
248 school shall report to the commission the effective date of each
249 addition to or deletion from the certified enrollment submitted
250 on or before June 15. Transfers between a charter school and
251 another public school in the commonwealth shall generate a
252 transfer of funding between the accounts for those schools,
253 prorated in accordance with the number of school days the student
254 is enrolled in each such school.

255 (e) A charter school may supplement its certified appropriation
256 through the solicitation of grants and gifts. No tuition may be
257 charged to any child; provided, that reasonable user fees may be
258 charged to the participants in extracurricular activities if the
259 school implements a confidential hardship waiver policy. Any
260 funds uncommitted or unexpended at the end of the fiscal year
261 may be expended by the charter school in the subsequent fiscal
262 year or years without further appropriation.

263 Section 7. No charter school may expend funds or incur obli-
264 gations in excess of its certified appropriation or grant awards.
265 Any multi-year lease executed by the charter school must be made
266 expressly subject to annual appropriation. No contract, including
267 employment contracts, is enforceable against a charter school
268 unless the chairperson of the board certifies in writing that funds
269 are available to implement that contract. Any chairperson who
270 intentionally or recklessly so certifies the availability of funds
271 when such funds were not in fact available shall be personally
272 liable to reimburse the charter school to the extent claims paid
273 exceed available funds.

274 Section 8. (a) Employees hired directly by a charter school
275 shall be considered public employees for purposes of tort liability
276 under chapter 258 of the General Laws. The board shall be
277 considered the public employer for purposes of tort liability under
278 chapter 258 of the General Laws and for collective bargaining
279 purposes under chapter 150E of the General Laws. Teachers
280 directly employed by a charter school shall be subject to the state
281 teacher retirement system under chapter 32 of the General Laws
282 and service for a charter school shall be "creditable service" within
283 the meaning thereof. The provisions of this subsection (a) shall
284 not apply to the employees furnished by another person under
285 contract with the charter school.

286 (b) Teachers in charter schools shall be subject to the same
287 health and moral standards laws and regulations pertaining to
288 public school teachers generally.

289 (c) If a teacher employed by a school committee makes a
290 written request for an extended leave of absence to teach at a
291 charter school, the school committee must grant the leave for a
292 period of up to five years. The school committee may require that
293 the request for a leave or extension of leave be made up to ninety

294 days before the teacher would otherwise have to report for duty.
295 If reinstatement is requested in writing ninety days before the
296 expiration of the leave, a teacher who serves at discretion under
297 section 41 of chapter 71 shall be reinstated to any position held
298 by a teacher not serving at discretion whose position the reinstated
299 teacher is qualified to fill.

300 Section 9. Annual Report. Each charter school shall submit to
301 the commission, to each parent or guardian of its enrolled
302 students, and to each parent or guardian contemplating
303 enrollment in that charter school an annual report. The annual
304 report shall be issued no later than August 1 each year for the
305 preceding school year. The annual report shall be in such form
306 as may be prescribed by the commission and shall include at least
307 the following components:

308 (a) discussion of progress made toward the achievement of the
309 goals set forth in the charter;

310 (b) a financial statement setting forth by appropriate
311 categories, the revenue and expenditures for the year just ended.

312 Section 10. (a) The children who reside in the same city or
313 town in which the charter school is located shall be provided
314 transportation to the charter school by the responsible school
315 committee on the same terms and conditions as transportation
316 is provided to children attending local district schools. The
317 secretary of administration and finance shall disburse to the
318 responsible school committee for each student so transported
319 seventy-five one-thousandths of the tuition for each such student
320 as calculated under subsection (f) of section 12B of chapter 76.

321 (b) The children who attend a charter school outside their city
322 or town of residence shall be provided with transportation by both
323 sending and receiving school committees on the same terms as
324 transportation is provided to children attending a district school
325 outside of their place of residence, under section 12B of
326 chapter 76. The secretary of administration and finance shall
327 disburse the same financial aid to both the sending and receiving
328 school committees for each student so transported as provided
329 under subsection (g) of said section 12B.

330 Section 11. (a) The commission may revoke a charter granted
331 under this chapter under the following circumstances:

332 (1) the charter school fails to attract and maintain an
333 enrollment which is large enough to generate funding sufficient

334 to support the charter goals and to maintain compliance with this
335 chapter;

336 (2) the board has materially failed to achieve the goals set forth
337 in its charter or to comply with the requirements of this chapter;
338 or

339 (3) the board, through mismanagement or otherwise, has
340 allowed the charter school to incur debts or obligations in excess
341 of its certified appropriations or other available funds.

342 (4) the board surrenders or abandons its charter.

343 (b) Whenever the commission has reason to believe that there
344 may be sufficient grounds to revoke a charter, the commission
345 shall give notice to the charter school board in question of its right
346 to a hearing before the commission or its designated hearing
347 officer to show cause why its charter should not be revoked.
348 A board receiving such notice shall provide a copy thereof to each
349 of its employees, contractors, and parents or guardians of
350 students. At this hearing, the board shall be allowed to present
351 whatever evidence is relevant to the question of revocation.

352 (c) If, after hearing, the commission determines that adequate
353 grounds exist to revoke a charter, the commission may either

354 (1) revoke the charter, either immediately or at some future
355 date, whichever best serves the interests of the students;

356 (2) place the charter school on a probationary status to allow
357 the implementation of a remedial plan after which, if said plan
358 is unsuccessful, the charter may be summarily revoked; or

359 (3) issue a public warning, which warning must be prominently
360 displayed in the charter school's annual report.

361 (d) The decision of the commission on the question of charter
362 revocation shall be final and binding, and subject only to such
363 limited judicial review as is afforded to the awards of arbitrators.

364 (e) Upon the revocation of a charter, title to all of the property
365 of the charter school shall immediately vest in the commission.

366 The commission or its agent shall function as a receiver for the
367 charter school to wind down its affairs. Any funds or property
368 remaining after the satisfaction of the charter school's obligations
369 shall be distributed by the commission to other charter schools
370 as the commission deems appropriate, except as provided in
371 subsection (b) of section 2 of this chapter.

