

By Mr. O'Brien of Kingston, petition of Thomas J. O'Brien and others for legislation to provide funding for charter schools. Education.

The Commonwealth of Massachusetts

PETITION OF:

Thomas J. O'Brien	Carl M. Sciortino, Jr.
Stephen LeDuc	Patricia D. Jehlen
Patricia A. Walrath	Barbara A. L'Italien
Paul J. Donato	Geraldine Creedon
Bruce E. Tarr	John W. Scibak
Frank I. Smizik	Mark V. Falzone
Edward G. Connolly	Thomas M. Stanley
Michael E. Festa	Ellen Story
Karen E. Spilka	Alice K. Wolf
Mary E. Grant	

In the Year Two Thousand and Five.

AN ACT RELATIVE TO CHARTER SCHOOL FUNDING.

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 89 of chapter 71 of the General Laws, as appearing in  
2 the 2002 Official Edition, as amended by Chapter 352 of the Acts  
3 of 2004, is hereby further amended by striking subsection (nn)  
4 and inserting in place thereof the following:—  
5 (nn) Commonwealth charter schools shall be funded as follows:  
6 The commonwealth shall pay a tuition amount to the charter  
7 school, which shall be the sum of the tuition amounts calculated  
8 separately for each district sending students to the charter school.  
9 Tuition amounts for each sending district shall be calculated by  
10 the department of education using the formula set forth herein to  
11 reflect, as much as practicable, the actual per pupil amount that

51 students, including education that occurs in educational collabora-  
52 tives, and with spending on health care costs for retired  
53 employees, for any district for which such costs are included in  
54 net school spending, and shall reduce the district's above founda-  
55 tion spending percentage proportionately. The per pupil tuition  
56 amount for each charter school to which the sending district sends  
57 students shall be increased by said adjusted above foundation  
58 spending percentage.

59 The total tuition amount owed by a sending district to a charter  
60 school shall be the per pupil tuition amount as defined above,  
61 multiplied by the total number of students attending the charter  
62 school from that district in the current fiscal year. The sending  
63 district's total charter school tuition amount for purposes of the  
64 following paragraphs shall be the sum of the district's tuition  
65 amounts for each charter school to which the district sends stu-  
66 dents, calculated using the provisions of this section. The  
67 receiving charter school's total charter school tuition amount shall  
68 be the sum of the tuition amounts calculated for the charter school  
69 for each district sending students to the charter school.

70 The state treasurer is hereby authorized and directed to deduct a  
71 district's total charter school tuition amount, as calculated herein,  
72 from the total state school aid, as defined in section 2 of said  
73 chapter 70, of the district in which the student resides prior to the  
74 distribution of said aid. In the case of a child residing in a municipi-  
75 tality which belongs to a regional school district, the charter  
76 school tuition amount shall be deducted from said chapter 70 edu-  
77 cation aid of the school district appropriate to the grade level of  
78 the child. If, in a single district, the total of all such deductions  
79 exceeds the total of said education aid, this excess amount shall be  
80 appropriated by the Commonwealth and shall not impact other aid  
81 appropriated to said city and town; provided, however, that if said  
82 district has exempted itself from the provisions of chapter 70 by  
83 accepting section 14 of said chapter 70, the commonwealth shall  
84 assess said district for said excess amount.

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

88 The department shall, subject to appropriation, provide funding  
89 to charter schools for a capital needs allocation. The department

90 shall calculate a statewide per pupil average expenditure from  
91 state and local sources for capital costs solely associated with pay-  
92 ments, including interest and principal payments, for the construc-  
93 tion, renovation, purchase, acquisition, or improvement of school  
94 buildings and land. The department shall multiply said amount by  
95 the number of students the district sends to charter schools, and  
96 shall provide funding directly to charter schools for said costs.  
97 Such funding shall be drawn from a specific line item in the state  
98 budget, established for that purpose and no other. Such funding  
99 shall not be included in the tuition amount, and shall not be  
100 deducted from the Chapter 70 aid of the sending district. In  
101 making these calculations, the department shall use data from the  
102 most recent year for which actual district expenditures have been  
103 reported by districts to the department.

104 The board of education shall adopt regulations for imple-  
105 menting the provisions of this subsection, including, but not lim-  
106 ited to, regulations for determining the actual per pupil net school  
107 spending amounts in districts, and for calculating charter school  
108 tuition amounts. In adopting said regulations, the department shall  
109 consult with the executive office for administration and finance.