

By Mr. Paleologos of Woburn, petition of Nicholas A. Paleologos, Robert A. Durand and Salvatore R. Albano for legislation to impose an additional excise on retail sales for the purpose of improving public education in the Commonwealth. Taxation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT TO IMPROVE PUBLIC EDUCATION IN THE COMMONWEALTH.

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. GRADUATION STANDARDS: Section 1G of
2 chapter 15 of the General Laws, as appearing in the 1988 Official
3 Edition, is hereby amended by adding at the end thereof the
4 following paragraph: —

5 The board shall establish graduation standards in reading,
6 writing, mathematics, and knowledge of the history and Consti-
7 tution of the United States. Students shall demonstrate their
8 competency in these areas by passing state basic skills tests or by
9 other such means as the board establishes or allows. Students who
10 fail to demonstrate competency in one or more areas shall be
11 provided with opportunities for additional instruction, either in
12 school or in approved adult or alternative education programs,
13 and with additional opportunities to demonstrate their ability to
14 meet these standards. No student who has not successfully
15 completed a drug education course approved by the board of
16 education shall be granted a diploma. Nothing in this section shall
17 prohibit school committees from establishing additional
18 requirements for graduation, nor from allowing students who
19 have met all state and local requirements to graduate early,
20 provided they are at least sixteen years of age.

1 SECTION 2. DROPOUT PREVENTION: Said chapter 15,
2 as so appearing, is hereby amended by inserting after section 52
3 the following section: —

4 Section 52A. In all school districts where the percentage of
5 students leaving school prior to graduation exceeds the state
6 average for four years in succession, as determined by the board
7 of education, said board shall require the establishment of
8 programs designed to identify all students at risk of not
9 completing school and to provide these students with additional
10 instruction, additional counseling, alternative education
11 programs, work/study programs, school-to-work transition
12 programs, or any combination of the above, as determined by the
13 local school committee. On the secondary level, such programs
14 may be planned and offered in conjunction with the opportunities
15 for additional instruction provided for in the last paragraph of
16 section one of chapter fifteen. School districts shall remain eligible
17 for assistance under this section for two years after their
18 percentage of students leaving school equals or falls below the
19 state average.

1 SECTION 3. EARLY CHILDHOOD: Said chapter 15, as so
2 appearing, is hereby amended by inserting after section 54 the
3 following section: —

4 Section 54A. All school districts choosing to do so may establish
5 early childhood programs. Such programs may include pre-
6 kindergarten programs, enhanced kindergarten and transitional
7 first grade classes, and programs which seek to develop creative
8 approaches to combining early childhood education and day care.
9 Cities, towns, and regional school districts which establish such
10 programs shall be entitled to state reimbursement for the costs
11 of operating such programs in accordance with the percentages
12 listed in section twelve A of chapter six hundred and forty-five
13 of the acts of nineteen hundred and forty-eight, as amended.

1 SECTION 4. SCHOOL/COLLEGE COLLABORATION:
2 Said chapter 15, as so appearing, is hereby amended by adding
3 at the end thereof the following section: —

4 Section 66. There shall be established a school/college
5 collaborative endowment out of which the board of regents in
6 collaboration with the board of education shall make multiple-
7 year grants to accredited public and private colleges and
8 universities in the commonwealth for the purpose of supporting

9 programs which improve elementary or secondary public
10 education in one or more of the following areas: minority teacher
11 recruitment and education; minority student preparation for
12 college; staff development; curriculum development; multicultu-
13 ral education; counseling and health services; the use of
14 educational technologies in the classroom; and the preparation
15 and supervision of student teachers and new teachers. Funds from
16 the endowment may only be used to match, dollar for dollar to
17 the limit of the appropriation, funds raised by colleges or
18 universities from other governmental or private sources, and will
19 not be granted without the support and approval of the partici-
20 pating school systems. The board of education may adopt regu-
21 lations for programs established under this section.

1 SECTION 5. Chapter 15A, as appearing in the 1988 Official
2 Edition, is hereby amended by adding at the end thereof the
3 following sections: —

4 Section 22. PUBLIC HIGHER EDUCATION EXCEL-
5 LENCE FUND: There shall be established a public college and
6 university endowment fund, to be administered by the board of
7 regents. Funds from the endowment may be used to match funds
8 raised from private individual or corporate, nongovernmental
9 sources for the purposes of increasing competitiveness through
10 basic and applied research, providing for the maintenance of
11 existing facilities, the purchase of equipment, and the upgrading
12 of library collections and acquisitions. Colleges and universities
13 will be eligible for said matching grants in those years in which
14 the total funds they receive from private sector sources exceed
15 funds received from private sector sources in the fiscal year ending
16 June thirtieth, nineteen hundred and ninety. In the case of those
17 public universities and colleges which the board determines to be
18 unable to compete effectively for private sector funding, the
19 boards may, by a vote of its members, waive the requirement for
20 matching funds.

21 Section 23. ACCESS TO HIGHER EDUCATION: The board
22 of regents, after consultation with the board of education, shall
23 establish a grant program to be titled the Ronald E. McNair
24 Education Opportunity Program. Funds from said program shall
25 be obligated for a college success program to be operated in the

26 public two-year colleges for students from educationally
27 disadvantaged backgrounds. Funds may also be obligated for a
28 higher education opportunity program for early identification,
29 recruitment, and supplemental training of educationally
30 disadvantaged students planning to pursue higher education. Said
31 higher education opportunity program shall be particularly
32 targeted toward, but not limited to, professions in which a
33 demonstrated under representation of minorities exist, such as
34 engineering, medicine, nursing, and teaching. The board of
35 regents shall seek private or business sector matching contribu-
36 tions for the activities funded by this program.

1 SECTION 6. THE PUBLIC SCHOOL IMPROVEMENT
2 FUND: The General Laws are hereby amended by inserting after
3 chapter 15C the following new chapter: —

4 **CHAPTER 15D.**

5 There shall be established and set up on the books of the
6 Commonwealth a separate fund to be known as the Public School
7 Improvement Fund. The fund shall be subject to Article LXIII
8 of the Constitution of Massachusetts and none of the monies in
9 said fund shall be expended except upon appropriation by the
10 General Court and except in accordance with this section. The
11 Public School Improvement Fund shall consist of all revenues
12 collected pursuant to section two A of chapter sixty-four and any
13 other funds as the General Court may appropriate to said fund.
14 Expenditures from this fund are authorized for the purposes set
15 forth in the last paragraph of section one G of chapter fifteen,
16 and sections fifty-two A, fifty-four A, sixty-six of chapter fifteen,
17 and sections twenty-two and twenty-three of chapter fifteen A,
18 section two A of chapter eighteen A, and in chapter one hundred
19 and eighty-eight of the acts of nineteen hundred and eighty-five
20 and in chapter seven hundred and twenty-seven of the acts of
21 nineteen hundred and eighty-seven. Expenditures from this fund
22 are further authorized for the purposes set forth in chapter six
23 hundred and forty-five of the acts of nineteen hundred and forty-
24 eight, as amended, and in sections fifty-one and fifty-six of
25 chapter fifteen of the General Laws; provided, that all interest

26 earned by said fund shall be retained in such fund and shall be
27 used solely for the purposes described herein; provided further,
28 that no appropriation for the public schools shall be made from
29 this fund unless the annual state appropriation for the purpose
30 of maintaining and operating the public schools, including
31 regional schools and independent vocational school districts, is
32 equal to or greater than the appropriation for such purpose for
33 the fiscal year ending June thirtieth, nineteen hundred and ninety,
34 as determined by the commissioner of education; provided
35 further, that no appropriation for the public colleges and
36 universities shall be made from this fund unless the annual state
37 appropriation for the purpose of maintaining and operating the
38 public colleges and universities is equal to or greater than the
39 appropriation for such purpose in the fiscal year ending June
40 thirtieth, nineteen hundred and ninety, as determined by the
41 chancellor of the board of regents; provided further that no appro-
42 priation for the department of youth services shall be made from
43 this fund unless the annual state appropriation for maintaining
44 the department of youth services is equal to or greater than the
45 appropriation for said department in the fiscal year ending June
46 thirtieth, nineteen hundred and ninety; provided further, that no
47 payment pursuant to an appropriation from this fund shall be
48 made to a city, town or regional school district, with an enrollment
49 in its public schools equal to or greater than the enrollment in
50 its public schools in the fiscal year ending June thirtieth, nineteen
51 hundred and ninety, which fails to expend on its public schools
52 in the fiscal year in which they would otherwise be eligible to
53 receive payment from the fund an amount equal to or greater than
54 the amount it spent for the same purpose in the fiscal year ending
55 June thirtieth, nineteen hundred and ninety, as determined by the
56 Division of Local Services and certified by the Commissioner of
57 Revenue.

1 SECTION 7. PREVENTING SUBSTANCE ABUSE: Chap-
2 ter 18A of the General Laws, as appearing in the 1988 Official
3 Edition, is hereby amended by inserting after section 2 the
4 following new section: —

5 Section 2A. The department shall, after consultation with the
6 board of education and the chief administrative justice of the trial

7 court, request and be eligible to receive appropriations from the
8 Public School Improvement Fund, provided for in chapter
9 fifteen D, the purpose of providing a range of placements, to be
10 known as the Massachusetts Youth Conservation Corps, for
11 juveniles who have been adjudicated as being delinquent because
12 of drug- or alcohol-related crimes. The aforementioned
13 placements, which may be provided either directly by the
14 department of youth services or by providers under contract with
15 the department, shall provide for the rehabilitation of youthful
16 offenders through the provision of education, medical, and
17 employment and training services. The Massachusetts Youth
18 Conservation Corps shall enable and prepare young people to
19 discover that there is both an accountability and consequence for
20 their actions, as well as a way of becoming productive members
21 of society. The department shall involve community representa-
22 tives including parents, civic and business leadership, and
23 members of the clergy in the creation of guidelines for the provi-
24 sion of and the evaluation of the aforementioned placements. Said
25 placements shall include, but not be limited to, work and training
26 programs including community services and environmental
27 preservation work, placements based on the Outward Bound
28 model, placements which enable the offender to pay restitution
29 to the victim, or a combination thereof. The department of youth
30 services shall give priority to the provision of placements for those
31 juveniles who have been adjudicated as delinquent because of
32 trafficking in controlled substances. The department shall submit
33 an annual report to the clerks of the House and Senate detailing
34 the rate of recidivism of all juveniles committed to the department
35 of youth services and an evaluation of the results, outcomes, and
36 performance of placements in the Massachusetts Youth
37 Conservation Corps.

1 SECTION 8. A PENNY FOR THEIR THOUGHTS:
2 Chapter 64 of the General Laws is hereby amended by inserting
3 after section 2 the following section: —

4 Section 2A. In addition to the excise imposed on sales at retail
5 of tangible personal property, an excise is hereby imposed upon
6 sales at retail of tangible personal property in the commonwealth
7 by any vendor at the rate of one per cent of gross receipts of the

8 vendor from all such sale of property, except as otherwise
9 provided in this chapter. The excise shall be paid by the vendor
10 to the commissioner at the time provided for in section sixteen
11 of chapter sixty-two C. All revenues collected pursuant to this
12 section shall be deposited into the Public School Improvement
13 Fund, established in accordance with chapter fifteen D and shall
14 be subject to the legislative power of appropriation.

