

HOUSE No. 94

The Commonwealth of Massachusetts

DEPARTMENT OF EDUCATION
1385 HANCOCK STREET
QUINCY, MASSACHUSETTS 02169, OCTOBER 31, 1986.

The Honorable Michael J. Connolly, *Secretary of the Commonwealth*
State House, Boston, Massachusetts 02133

Dear Secretary Connolly:

Pursuant to the provision of Section 33 of Chapter 30 of the General Laws, I submit herewith ten bills recommended by the Board of Education for Legislative action during the 1987 session of the General Court. Accompanying the legislative recommendations is the required explanation for each bill.

Sincerely,

HAROLD RAYNOLDS, JR.
Commissioner of Education.

LEGISLATIVE RECOMMENDATIONS OF THE
DEPARTMENT OF EDUCATION.

1. AN ACT ASSISTING CITIES AND TOWNS IN MEETING THE COSTS OF SPECIAL EDUCATION PLACEMENTS FOR CERTAIN CHILDREN.

PURPOSE

This legislation would authorize the Department to assume the cost of special education placements in Chapter 766-approved day or residential schools for those special needs students who have no parent(s) or guardian living in the Commonwealth and who have been found to be in need of such placements.

BACKGROUND

In accordance with the provisions of the Chapter 766 Regulations, past practice has been for the Department to assign a community of responsibility to children who have no parent or guardian living in the Commonwealth. That practice, while necessary, may be unfair in certain situations, particularly where neither the child nor a parent/guardian has had recent or consistent ties with the assigned community. Moreover, the viability of that practice has been called into question by the decision of the Massachusetts Appeals Court in *Board of Education v. School Committee of Amesbury*.

Therefore, this statute is needed to assure that, at the direct expense of the Commonwealth and without imposing undue financial burdens on local school districts, these children will receive the special education services they need and to which they are entitled.

COST

Based on current data, we anticipate a need for funding for up to 80 such placements at a cost of \$1,100,000 for FY'87 and up to 100 placements at a cost of \$1,500,000 for FY'88.

2. AN ACT RELATIVE TO RESIDENTIAL PLACEMENTS IN SPECIAL EDUCATION.

PURPOSE

This legislation would require the Department of Education to fund 60% of all Chapter 766-approved private residential place-

ments through direct payment to the private school. This would allow local school systems to reduce their residential tuition budgets to 40% of the approved rates for these programs.

BACKGROUND

In the 1981 legislative session, Chapter 71B was amended to allow the Department of Education to pay up to 60% of the costs of residential school placements for children with special needs. The purpose of the legislation was to relieve cities and towns of escalating costs for residential programs while also establishing local commitment to the program costs. Although this legislation did, in fact, provide some relief to local school districts, there remain some unintended fiscal barriers to local school districts in the provision of residential school programs.

The primary problem under the current system is that a school district must "up-front" the total cost of a residential school program, paying it directly to the private school. The city or town is then reimbursed the following year by the Department of Education. This means that the school system must budget for full program costs each year out of school department funds, while reimbursement is made to the general fund of the city or town, rather than to the school department. Not only does this process inflate school department budgets, but it creates significant public relations and fiscal problems for local school districts, particularly after the school budget has been approved.

COST

Both the FY'87 appropriation and FY'88 budget proposal approved by the Board of Education fund this program at \$7,750,000. However, since this is the first year of its implementation, the FY'88 estimate may have to be revised when data on which to lease a more accurate projection is available.

3. AN ACT INCREASING AID FOR SCHOOL CONSTRUCTION.

PURPOSE

This legislation is designed to encourage the formation and maintenance of K-12 regional school districts by slightly increasing, in some cases, the amount of state aid available to them for school

construction projects, including roof reconstruction and replacement, accessibility projects, and needed enlargement or new buildings.

BACKGROUND

The School Building Assistance Act has always encouraged the formation and support of consolidated and regional schools. When the Board-sponsored H.63 of 1984 was enacted into law as Chapter 394 of the Acts of 1984, the K-12 regional differential was deleted. The Board refiled H.63 for the 1985 legislative session, (H.75). During the course of the session, it was amended to its present form of S.2290 to focus specifically on the restoration of the K-12 regional incentive.

COST

There are no dollar estimates. The increase in cost is believed to be very small. The effect of the bill is to increase the rate of reimbursement for K-12 regional school construction projects by increasing the multiplier in the Chapter 645 formula for complete regions from .50 to .60. The grant limits of sixty and seventy-five percent of approved costs remain the same.

4. AN ACT PROVIDING FOR THE REIMBURSEMENT OF STATE WARDS.

PURPOSE

Sections 7 and 9 of Chapter 76 of the General Laws provide for the reimbursement to cities, towns and regional school districts for the cost of educating students placed in foster or group care by the Department of Social Services. Under the present system, school officials report the names of the children to the Department of Education which in turn asks the Department of Social Services to audit the claims. The Department of Education then calculates the reimbursement for the eligible pupils. This legislation would institute a more efficient process to ensure that school districts are reimbursed for all eligible state wards attending school in the district.

BACKGROUND

The current system of reimbursing school districts for the education of state wards does not work well. School officials do not have

the information to determine whether a child is a state ward. Of the 4000 children reported last year, over half were deemed ineligible by the Department of Social Services. Many more children who are eligible were probably not reported because there is no procedure for identifying the children.

Additionally, the Department of Social Services depends on regional social workers to maintain its central registry. Often communication lapses, whereupon eligible claims are erroneously rejected.

This legislation would require the Department of Social Services to issue a voucher to a school superintendent when the agency places a foster or group care child in a school district. The superintendent would maintain these vouchers and file an annual claim to the Department of Education for reimbursement of the appropriate tuition rate.

This proposal would guarantee that school officials could identify all eligible state wards, that the two state agencies could calculate the reimbursement properly, and that external audits could be performed. Since the Department of Education is responsible for managing the \$8.2 million appropriation account, it is in our interest to encourage the Department of Social Services to be as systematic and accountable as possible.

5. AN ACT RELATIVE TO EDUCATION REIMBURSEMENT FUNDING.

PURPOSE

This legislation would amend the fourth paragraph of Section 11 of Chapter 15, permitting 100% reimbursement of the cost of transportation of pupils for the purpose of reducing or eliminating an imbalance of minority students.

BACKGROUND

This legislation would provide assistance to Worcester, Holyoke, Lawrence, and Lowell on the same basis as it is now provided to Boston and Springfield for the reduction or elimination of "racial imbalance".

Additionally, such legislation would make G.L. c. 15, s. 11 compatible with another provision of c. 15, s. 1 11 that provides for 90% reimbursement under the school building assistance act when projects are

undertaken to reduce or eliminate racial imbalance or imbalance of minority students.

Similar legislation was supported by the Board in 1983.

COST

The additional cost to the Commonwealth is estimated as follows:

Holyoke	\$100,000
Lawrence	80,000
Lowell	32,000
Worcester	<u>50,000</u>
Total	\$262,000

6. AN ACT EXTENDING THE SCHOOL BUILDING ASSISTANCE PROGRAM.

PURPOSE

Chapter 645 of the Acts of 1948, as amended, establishes the School Building Assistance Program. The statute which authorizes this program remains in effect for limited periods of time. This legislation would extend the school building assistance program for another five year period.

BACKGROUND

Chapter 645 of the Acts of 1948, as amended, authorizes the Board of Education to approve grants and reimbursements to cities, towns, counties and regional school districts for surveys of school building needs, regional planning costs, construction of new schools, enlargement, renovation and improvement of existing schools, and acquisition of buildings for use as schools. Chapter 645 is scheduled to terminate on June 30, 1987. This legislation would extend this act until June 30, 1992.

7. AN ACT DEFINING EDUCATIONAL COLLABORATIVES.

PURPOSE

This legislation would amend Section 25 of Chapter 188 by striking the language which defines an educational collaborative board as a school committee.

BACKGROUND

It has been a consistent and a long-term policy of the Department of Education that educational collaboratives not evolve into school districts. There are already 436 school districts within the Commonwealth of Massachusetts. The educational collaboratives do not wish to become school districts but want to retain their flexibility as delivery systems for their member school districts. The educational collaboratives would still retain their eligibility for all grants provided by Chapter 188.

COST

There are no costs related to this proposed legislation.

8. AN ACT DELETING THE REQUIREMENT FOR STANDARDIZED SUBJECT MATTER TESTS FOR TEACHER CERTIFICATION.

PURPOSE

This Legislation would amend G.L. c. 71, s. 38G as amended by Section 15 of Chapter 188 by deleting the requirement for standardized subject matter tests for candidates for certification. The current certification regulations insure that candidates must have substantial preparation in the content area in which the certification is sought. The requirement for standardized communication skills test would remain.

BACKGROUND

Since the passage of Chapter 188, the Department has analyzed existing standardized subject matter tests, explored legal issues relating to testing, reexamined other states' experience with certification testing, and made cost projections. The results indicate that standardized subject matter tests do not exist in 20 of the 50 certification fields. Further, because all tests must be validated in Massachusetts, it will be difficult to statistically validate a standardized test in many of the fields of certification because of the low number of applicants in these fields (e.g., drama, dance). Finally, there is concern that standardized testing may decrease the number of minority candidates certified, and there is no evidence currently of its effectiveness as a measure of teachers' qualifications.

The Department and the Board's Advisory Commission on Educational Personnel recommend deletion of this requirement.

COST

It is estimated that this amendment would save the Commonwealth \$3 million during FY 1987 and FY 1988.

9. AN ACT TO EXEMPT CERTAIN LIMITED ENGLISH PROFICIENT STUDENTS FROM THE MASSACHUSETTS TESTING PROGRAM.

PURPOSE

This legislation would allow for the exemption of certain limited English proficient students from the curriculum assessment and the basic skills testing programs.

BACKGROUND

Chapter 15, s. 50 established the curriculum assessment and the basic skills testing programs and required the testing of all students in the relevant grades with the exception of special needs students whose parents may request their exemption. The current legislation further provides that such tests shall be bias free. This poses a conflict for the testing of students who are not proficient in English but who are included in the testing program which is conducted in English. The regulation adopted by the Board in May and approved by the Joint Committee on Education provide for the exemption of limited English proficient students, unless the parents of such students request that they be tested or the students have completed three years in a transitional bilingual education program. This amendment would resolve the potential conflict in the current statutory language to the benefit of the students.

COST

There are no costs related to this proposed legislation.

10. AN ACT MAKING THE CHAIRPERSON OF THE STUDENT ADVISORY COMMITTEE AN EX OFFICIO MEMBER OF THE SCHOOL COMMITTEE.

PURPOSE

This legislation would provide for the election of a chairperson of the Student Advisory Committee to the local school committees. The

student member would be a non-voting member but have all the rights of other school committee members.

BACKGROUND

In the past, many Student Advisory Committees have not achieved their full potential because their relation to school committees has not been adequately close. This legislation would provide for a closer link between the Student Advisory Committee and the school committees and also facilitate the school committees' dealings with students.

COST

There are no costs related to this proposed legislation.

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THE CONSTITUTION OF THE UNITED STATES

Article I, Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 1. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch in that State.

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Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature of the State for which they are elected, and they shall hold their Offices for Terms of Years, the Number of which shall be determined by Law.

Section 4. The Senators and Representatives before mentioned, and the Electors in each State, shall have the Qualifications requisite for Electors of the most numerous Branch in that State.

Section 5. The House of Representatives may determine the Rules and Proceedings of its own House, and may punish its Members for Disobedience of its Orders, for Disorderly Behaviour, and for Contumacious Refusal to answer any Question relative to any Matter under Consideration in any of its Houses.

Section 6. The Senate shall have the sole and exclusive Power of Impeachment. The Senate shall have the sole and exclusive Power of trying all Impeachments, when called upon to do so, and shall determine the Rules and Proceedings thereon. A Majority of the Senate shall be necessary to convict.

Section 7. The House of Representatives shall have the sole and exclusive Power of originating all Bills for raising Revenue. No Bill for raising Revenue shall originate in the Senate, but may pass into Law after being amended by the House of Representatives.

Section 8. The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to regulate Commerce with foreign Nations, among the several States, and with the Indian Tribes; to borrow Money on the Credit of the United States; to regulate the Value of Money, the Weight and Measure of Things; to define and punish the Offences against the Law of Nations; to define and punish Offences against the Law of the United States; to define and punish Offences committed on the high Seas, and Offences against Commerce on the high Seas; to punish Offences against the Law of the United States committed on the high Seas, and Offences against Commerce on the high Seas; to punish Offences against the Law of the United States committed on the high Seas, and Offences against Commerce on the high Seas.

Section 9. The Congress shall have Power to regulate Commerce with foreign Nations, among the several States, and with the Indian Tribes; to borrow Money on the Credit of the United States; to regulate the Value of Money, the Weight and Measure of Things; to define and punish the Offences against the Law of Nations; to define and punish Offences against the Law of the United States; to define and punish Offences committed on the high Seas, and Offences against Commerce on the high Seas; to punish Offences against the Law of the United States committed on the high Seas, and Offences against Commerce on the high Seas.

