

SENATE No. 1787

The Commonwealth of Massachusetts

SENATE, December 20, 1991.

The committee on Ways and Means, to whom was committed the House bill relative to emergency educational assistance (House, No. 6392), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the Senate document numbered 1787.

For the committee,

MICHAEL C. CREEDON.

The Commonwealth of Massachusetts

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

1 SECTION 1. To provide for supplementing certain items in
 2 the general appropriation act and for certain other activities and
 3 projects, the sums set forth in section two are hereby appropriated
 4 from the General Fund unless specifically designated otherwise
 5 in the items, for the several purposes and subject to the conditions
 6 specified therein, subject to the provisions of law regulating the
 7 disbursement of public funds and the conditions pertaining to
 8 appropriations in chapter one hundred and thirty-eight of the acts
 9 of nineteen hundred and ninety-one for the fiscal year ending June
 10 thirtieth, nineteen hundred and ninety-two or for such period as
 11 may be specified, the sums so appropriated to be in addition,
 12 unless otherwise specified, to any amounts available for the
 13 purpose.

1 SECTION 2.

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

Miscellaneous.

1599-0000	For Emergency Educational Assistance to cities, towns, regional school districts, and county agricultural schools, to be distributed in accordance with section four of this act	30,000,000
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EXECUTIVE OFFICE OF EDUCATIONAL AFFAIRS.

Office of the Secretary.

7066-1010	For fiscal year nineteen hundred and ninety-two reimbursements to certain cities and towns or regional school districts for losses incurred under the provisions of the school choice law financing provision, section 304 of chapter 138 of the acts of nineteen hundred and ninety-one; provided, however, that the amount of such reimbursement for any city or town or regional school district shall be limited to fifty percent of the loss of so-called chapter 70 funds due to the provisions of said section 304 except in the case of any such city, town or regional school district which incurs a loss equal to or greater than two percent of its total school budget in which case said limit shall be seventy-five percent; and, provided further, that to qualify for such reimbursement a	
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community or regional school district shall submit an application for such reimbursement to the secretary of education on or before January 2, 1992 together with an educational corrective action plan containing information, recommendations and suggestions relative to (1) areas needing improvement within the school system of the applicant, (2) methods of improvement to be employed, (3) goals and objectives of said improvement, (4) evaluation and control methods to be used, (5) personnel to be engaged in such improvement, (6) results intended to be accomplished within one year from date of application, and (7) methods of increasing parental involvement to be employed; and, provided further, that approval of said plan by said secretary shall act as a condition precedent to the distribution of funds from this item to the applicant community or regional school district; and, provided further, that after all of the above obligations have been met any remaining balance in this account may be transferred to item 0615-1500 of section two of chapter 138 of the acts of 1991 for the purpose of reimbursing said item for payments made on behalf of students residing within a city, town or regional school district which does receive any so-called chapter 70 funds during fiscal year nineteen hundred and ninety-two

2,700,000.

1 SECTION 3. Chapter 222 of the acts of 1991 is hereby
 2 amended by striking out section 5A and inserting in place thereof
 3 the following section: —

4 Section 5A. Section 2 of chapter 138 of the acts of 1991 is
 5 hereby amended by inserting after item 9749-0100 the following
 6 item: —

9749-0200

For the expenses of the study authorized by section forty-three of chapter one hundred and forty-two of the acts of nineteen hundred and ninety-one; provided, however, that the expenditure of funds appropriated herein shall be contingent on the prior receipt of private donations equal to or greater than said expenditure; and provided, further, that said donations shall be deposited into the General Fund

100,000.

1 SECTION 4. The division of local services within the
 2 department of revenue shall develop and promulgate regulations
 3 in consultation with the department of education pursuant to the
 4 provisions of chapter thirty A of the General Laws to provide for
 5 the disbursement of emergency educational assistance funds, as
 6 provided for in section two of this act, no later than January
 7 thirteenth, nineteen hundred and ninety-two; provided, that no
 8 city, town, regional school district or county agricultural school

9 shall apply for said assistance until such regulations are promul-
10 gated. The regulations shall require that the receiving city, town,
11 regional school district or county agricultural school be required
12 to repay to the commonwealth, in each of five successive fiscal
13 years beginning with fiscal year nineteen hundred and ninety-
14 three, an amount equal to ten percent of the amount of emergency
15 aid received pursuant to this section for fiscal year nineteen
16 hundred and ninety-two; provided, however, that the foregoing
17 repayment obligation shall be forgiven in any year when the
18 amount of chapter seventy school aid does not increase, over the
19 amount of such chapter seventy aid received for the preceding
20 year, by an amount equal to at least ten percent of the amount
21 of the emergency aid actually received pursuant to this section in
22 fiscal year nineteen hundred and ninety-two; provided, further,
23 that such regulations shall determine repayment procedures for
24 regional school districts. Such regulations shall further require
25 that the department of education certify, after study and analysis,
26 that a serious educational emergency exists in an applicant city,
27 town, regional school district, or county agricultural school, in
28 order for such applicant to qualify for such assistance. Such regu-
29 lations shall further state criteria for qualification for such
30 emergency assistance, and the purposes for which such money
31 may be expended, which shall include remediation of the
32 condition or conditions outlined in clauses (a) to (c) inclusive of
33 this section and shall be limited to reasonable expenditures
34 approved by the division of local services and the department of
35 education as necessary and feasible to alleviate the educational
36 emergency during the current fiscal year. Said criteria for
37 qualification for emergency assistance shall include, but not be
38 limited to, at least two of the following: (a) a decline in per-pupil
39 spending from the preceding school year; (b) regular education
40 classrooms with thirty-five or more students; and (c) shortages of
41 textbooks and other instructional materials. At least eighty
42 percent of the fund appropriated for emergency educational assis-
43 tance shall be made available to cities, towns, regional school
44 districts, and county agricultural schools currently receiving equal
45 education opportunity grants. Such regulations shall further
46 provide the following: that no portion of aid received shall
47 supplant funds previously approved by cities, towns, or the

48 members of said regional school districts, or the appropriating
49 body of such county agricultural school for the use of the public
50 schools in the current school year; that no portion of such aid
51 shall be expended for the purpose of paying for educational
52 administrative costs in any city, town, regional school district or
53 county agricultural school, except in unusual and compelling
54 circumstances approved by the division of local services and the
55 department of education; that the finance or fiscal control board
56 shall approve expenditures of amounts received pursuant to this
57 section; and that the local appropriating authority, as defined in
58 section twenty-one C of chapter fifty-nine of the General Laws,
59 shall submit applications for aid pursuant to this section;
60 provided, however, that the application of a regional school
61 district shall require the approval of a two-thirds vote of the local
62 appropriating authorities of the member municipalities. Such
63 regulations shall also include a requirement for the filing of a
64 report with said departments by any city, town, regional school
65 district or county agricultural school which receives said
66 emergency assistance funds, with said report to include a detailed
67 list of emergency assistance expenditures and the impact of
68 emergency assistance.

1 SECTION 5. This act shall take effect upon its passage.

