

legislative bulletin

Massachusetts Association of School Committees, Inc. One McKinley Square, Boston MA 02109
(617) 523-8454 (800) 392-6023 fax: (617) 742-4125 www.masc.org

To: All School Committee Members and Superintendents

From: Stephen J. Finnegan, Esq.

Date: May 7, 2004

Subject: House Action on the State Budget

Charter School Moratorium/Suspension

The House of Representatives enacted an amendment during the recent budget debate that suspends the authority of the Board of Education to grant Commonwealth Charters to any applicant until July 31, 2005, or until such time as a new tuition formula has been enacted into law. During said period the Board shall not authorize additional enrollment, beyond that approved by the Board prior to January 1, 2004, in any existing or previously authorized Commonwealth Charter school. The approval given to the five newest charter schools have been suspended by House action, and may not open until the Board has completed a full review of the authorization process to resume compliance with the law.

The House amendment also established a House and Senate Working Group to make recommendations on, among other matters, the method of financing charter schools.

The recommendations of the Working Group shall reflect actual costs associated with grade level, program participation and a demographic profile of students attending charter schools. The Working Group shall file necessary legislation to carry out its recommendations on or before December 1, 2004.

MASC is pleased with the action of the House of Representatives regarding charter schools and urges our members to contact their Senators to support this amendment. The Senate budget recommendations currently being prepared for presentation will be released within the next ten days. Please refer to the MASC website for the latest information available on the Senate budget and its recommendations for charter schools. In the meantime MASC urges members to contact their Senators to support this amendment, anticipating that it may appear in the Senate version of the budget bill. The MASC legislative Day on the Hill, which was held the day before the education amendments were considered, substantially aided the passage of the charter school amendment.

Pothole Money Restored

The Pothole account was restored by House action in the amount of five million dollars. This account provides funding for school districts that have extraordinary increases in minimum required local contributions, extraordinary increases in enrollment and significant reductions in Chapter 70 aid among other criteria.

MCAS Remediation

MCAS remediation was increased by \$1 million over the House Ways and Means Budget to a total appropriation of \$15 million.

Special Education Tuition Rates

The State sets the rates that special education approved private schools charge for their services. The House Ways and Means Budget required that all such rates remain at the level of the prior year except for programs that qualify for extraordinary relief or for programs that did not charge the maximum allowable amount in FY04.

The House added a requirement to outside section 92 that the applicant for a tuition increase, except for extraordinary relief, shall notify the public schools prior to October 1 of the fiscal year in which the application is filed. Upon the request of the program, the Operational Services Division shall authorize a minimum price for the program to charge out-of-state purchasers.

Medicaid Reimbursement

Representative Marie St. Fleur, at the request of MASC, filed an amendment to the House Ways and Means Budget that reflects an Education Committee passed version of our Medicaid legislation. The amendment requires that a city or town shall deposit in a separate account for expenditure by the school committee no less than 50 percent of the revenue received from Medicaid as a result of school diagnostic testing etc. This amendment provides that no school committee shall receive a smaller percentage of such amount than it received during FY03. Expenditures by the school committee from this account shall not substitute for the net school spending requirement of the district or affect the calculation of the minimum required local contribution. MASC urges that you contact your Senator to support this amendment during the Senate Budget debate.

Special Education Circuit Breaker Amendment

Current law requires that the cost for special education instruction shall be reimbursed at 75 percent of all the approved costs that exceed four times the state average per pupil foundation budget. We were very pleased with the \$80 million increase over current year reimbursement levels. An amendment was added during budget deliberations which changed the statutory (MGL, Ch. 71, s.5A) requirement of current year funding to the previous fiscal year. This change could result in no immediate funding for new special education expenses incurred in FY05.

Collaborative School Amendment

An amendment added in the House concerning educational collaboratives contains language that recognizes both the local and state-wide mission of collaboratives. The proposed language provides greater specificity to the governance and administrative functions of collaboratives as well as a mechanism for updating Board of Education policy regarding those education entities. One area of concern is a change on the House floor that makes collaboratives subject to MGL, Ch.71, ss.41, 42, 42D and 43. The above-referenced sections of law concern the statutory requirement of suspension dismissal and granting of professional teacher status to educational employees and could add significantly to the cost of collaborative; however, the amendment only applies to employees hired after July 1, 2006.

Alternative Education; School to Work; Gifted and Talented; Literacy Grants; Mentoring

The House Ways and Means budget did not contain funding for Alternative Education Grants, School to Work Grants, and Gifted and Talented programs. All of the above-referenced programs were added on the floor of the House in the following amounts: Alternative Education (\$1.0 million); School to Work (\$1.6 million); and Gifted and Talented (\$99,000). Also an additional \$50,000 was added to the John Silber Literacy Grants. Finally, \$287,000 was added to the Mass. Service Alliance mentoring program.

House adds Various Studies

By action of the House, the McCormack Institute will conduct a study of the METCO program. The Department of Education will, by requirement of the House, conduct a feasibility study on prohibiting unhealthy soda, candy and fast food on school bus advertising.

The House added Special Commissions on Middle School education; reduction of costs for special education out-of-district placements; Medicaid reimbursements; the establishment of required grief counselors for schools; the fiscal impact of No Child Left Behind; and the impact of raising the mandatory age for school attendance to 18.

MASC Staff

Glenn Koocher
Executive Director

Jenifer Handy
Communications Director

Carol Grazio
Director of Operations

James Hardy
Field Director—Policy

Patricia Correia
Field Director—Training and Development

Michael Gilbert
Field Director—Information and Technology

Kari MacCormack
Graphic Designer

Jennyfer Molina
Administrative Assistant

Nanette Olsen
Member Services Coordinator

Stephen Finnegan
General Counsel
