

## Student Opportunity Act updates and improves upon 1993 Education Reform provisions

Almost 200 years after its founding as the first public high school in America, Boston English was again the site of a landmark event as Massachusetts Governor Baker signed the long-awaited (and even longer-debated) Student Opportunity Act on November 26. Surrounded by a broad coalition of students, legislators, and state, education, and business leaders, the Governor commended the joint legislative efforts that worked through difficult and contentious issues to arrive at the final bill which will boost investment in public schools by \$1.5 billion when fully phased in over the next seven years.

The Act, which provides significant new funding resources to schools, particularly school districts with high percentages of low-income and English Language Learners, was the legislative answer to the Foundation Budget Review Commission's 2015 report that found MA schools underfunded by almost 2

billion dollars. This deficit was attributed to the education funding formula's failure to keep up with inflationary costs relative to employee and retiree health insurance, special education, and the additional amounts provided to serve the needs of English learners and low-income students.

In addition to the revised Chapter 70 funding formula that will generate unprecedented increases in annual state investment, school districts will also see increased reimbursements for transporting students to out-of-district special education placements. It also raises the cap on state funding for school building projects by \$150 million; fully funds charter school reimbursements; and creates a grant fund for innovative educational approaches.

To ensure that the bill achieves its goal of improving educational opportunities for all students, regardless of zip code, or country of origin, school districts will be required to submit three-year plans

designed to close local achievement gaps. These plans, which will be developed with input from school leaders, administrators, faculty and community representatives prior to final approval by the school committee, would incorporate evidence-based programs and support such as expanded learning time, increased counseling and psychological services, professional development, expanded early learning and pre-kindergarten, early college and career-readiness pathways and a more diverse teacher workforce. The plans will be submitted to the Commissioner of Education (see related article on page 2) who will review the plans to ensure they set measurable goals for student improvement with credible strategies for achieving them. Plans deemed as failing to meet these standards would need to be amended.

The bill also requires the Secretary

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## Report on Resolutions 2019

*The following is a report on actions taken on the resolutions that were considered by the Delegate Assembly at the annual meeting in Hyannis on Friday, November 8. There were 107 districts represented at the Assembly.*

### RESOLUTION 1: Banning Polystyrene from Schools

*(Submitted by the Silver Lake Regional School District, including the School Committees of Kingston, Plympton, and Halifax)*

BE IT RESOLVED THAT: MASC urge the Commonwealth of Massachusetts to ban the use of expanded polystyrene foam cups, bowls, plates and trays from Massachusetts Public Schools by the 2022-2023 school year.

RATIONALE Proponents cite the presence of toxins, including carcinogens in polystyrene and note that containers manufactured with this substance can be found in food and beverage containers that might pose a risk to students and others.

The resolution passed, as presented, on a voice vote.

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MASC President Devin Sheehan, and incoming President Deborah Davis at the 2019 Joint Conference



### DESE RELEASES BRIEF ON SCHOOL LEVEL EXPENDITURES

Earlier this month, DESE released a policy brief, developed in collaboration with the Urban Institute, to better understand variations in school level spending across the state.

The Department commissioned the brief to accompany the school level expenditure data that is being included on the district and school report cards (updated report cards will be available after the first of the year) and in a more detailed school level expenditure report available on the school finance website. The Department collects and tracks school level spending for instructional costs only and allocates district level costs across all schools on a per pupil basis.

Most previous data and research on school finance have centered on funding and spending at the district level. The data that is now available on the report cards provides insights into spending at individual schools. This brief aims to provide context for these data by assessing factors that affect school spending levels within districts and across Massachusetts. Findings in the brief include:

- MA allocates state education aid based on student needs, community wealth, and local labor costs. Although the formula allocates more state money to districts and students with greater need, districts can use local funds to spend more than what is required.
- Across the state, high schools tend to spend more per pupil than elementary and middle schools.
- Within districts, schools with higher shares of economically disadvantaged pupils, pupils with disabilities, and English learners spend more per pupil.

- Across the state, schools with higher shares of economically disadvantaged students spend less per pupil, unless we account for local labor costs.

The report can be downloaded at <http://www.doe.mass.edu/research/reports/2019/12school-expenditures.docx>. If you have questions about the brief, contact Rob O'Donnell at [rodonnell@doe.mass.edu](mailto:rodonnell@doe.mass.edu) or 781-338-6512.

### FIRST SCHOOL ACCOUNTABILITY PLANS DUE IN FOUR MONTHS

The first set of accountability plans that school superintendents will need to prepare under the education funding overhaul signed into law last week will be due on April 1, and state education officials are working now to finalize plan templates and guidance documents. DESE Education Commissioner Riley has said that the department hopes to make those materials available to districts as soon as possible. Superintendents will need to consider input from parents – including special education and English learner parent advisory councils – and other stakeholders like the school committee, teachers and school improvement councils, in preparing their three-year plans.

Under the law, the plans will need to establish targets and measures “for addressing persistent disparities in achievement among student subgroups”; identify evidence-based programs districts will use to reduce disparities; outline how Chapter 70 aid and other money will be used to implement the plan; and specify efforts to engage families, particularly for families of low-income students, English learners and students with disabilities.

The law gives the Commissioner the authority to add more requirements at his discretion. He can require districts to amend plans to

ensure they comply with the law's provisions, and districts can also voluntarily amend their plans if changes become necessary to meet their targets. The legislation calls for \$1.5 billion in new Chapter 70 money over seven years and education officials are collecting data needed to calculate state aid allotments and local contribution amounts for fiscal 2021, the first year of implementation.

### STORM OPTION “BLIZZARD BAGS” DISCONTINUED

As schools across the state experienced their first snow days of the 2019-2020 school year, the “Blizzard Bags” program that has allowed students to do class work at home during a winter storm and not have to make up the day in the summer will come to an end with this academic year.

Earlier this year, DESE announced that it was discontinuing the Alternative Structured Learning Day Program, commonly known as “Blizzard Bags,” in fall 2020. It based its decision on a review of the “development and implementation of these programs.” In the fall of 2018, the Department established a working group that included parents, teacher and administrators from 10 Massachusetts school districts to review the policy. According to the Commissioner, the decision to discontinue the use of Alternative Structured Learning Day Programs was based upon a variety of factors, including concerns about equitable access for all students. He also recommended that school leaders consider holding the first day of school prior to Labor Day in order to build in days to accommodate inclement weather and/or scheduling a one-week vacation in March instead of week-long vacations in February and April.

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## RESOLUTION 2: Pertaining to Educator Diversity and Professional Licensure

*(Submitted by the Arlington School Committee)*

BE IT RESOLVED: that the Massachusetts Association of School Committees calls for the elimination of the MTEL and the MA Performance Assessment for Leaders (MaPAL) as licensing requirements for educators; and

BE IT FURTHER RESOLVED: that the Massachusetts Association of School Committees calls for the governance and licensure of professional educators to be vested in a board comprised of licensed educators.

RATIONALE: The licensure of Massachusetts educators is governed by the Board of Elementary and Secondary Education. The oversight of licensure by non-educators has resulted in a complex, difficult licensure system that discourages qualified candidates from applying for licensure and employment in Massachusetts. Recruiting a diverse, qualified cohort of new educators will be enhanced if the barriers presented by MTEL are removed, and if licensure regulations and standards are placed in the hands of a committee of educators. An expanded explanation in support of this resolution can be found on the MASC web site.

An amendment was submitted to split the resolution into two discrete resolutions.

The first of these (Resolution 2a) would address the MTEL issue:

BE IT RESOLVED: that the Massachusetts Association of School Committees calls for the elimination of the MTEL and the MA Performance Assessment for Leaders (MaPAL) as licensing requirements for educators;

The second (Resolution 2b) would address the governance/licensure issue:

BE RESOLVED: that the Massachusetts Association of School Committees calls for the governance and licensure of professional educators to be vested in a board comprised of licensed educators.

**The motion to split the resolution was adopted.**  
**Resolution 2a passed, as presented, on a vote of 54-24.**  
**Resolution 2b passed, as presented, on a unanimous vote.**

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## RESOLUTION 3: School Transportation

*(Submitted by the Hudson School Committee and revised by the Resolutions Committee)*

BE IT RESOLVED THAT: In order to promote greater competition for bus service contracts and improve performance, MASC calls for the creation of a working group to advise the Legislature on the best solutions to support greater competition and higher performance from transportation companies.

BE IT FURTHER RESOLVED THAT: In order to promote greater competition for bus service contracts, the Legislature should eliminate M.G.L. c. 71, § 7C, and authorize a deeper analysis into the lack of bidders on school transportation contracts. A friendly amendment was proposed to amend the second BE IT

RESOLVED paragraph above to read as follows:

BE IT FURTHER RESOLVED THAT: In order to promote greater competition for bus service contracts, MASC will file and support legislation to repeal M.G.L. c. 71, § 7C, and authorize a deeper analysis into the lack of bidders on school transportation contracts.

**The amendment, as proposed, was accepted.**

A second amendment was proposed to add additional language to the revised paragraph, as follows:

BE IT FURTHER RESOLVED THAT: In order to promote greater competition for bus service contracts, MASC will file and support legislation to repeal M.G.L. c. 71, § 7C, and authorize a deeper analysis into the lack of bidders on school transportation contracts. And further, that the law be amended so as to not require the selection of the lowest bidder.

**The amendment, as proposed, was accepted.**  
**The resolution, as amended, was adopted.**

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## RESOLUTION 4: Climate Change

*(Proposed by the Resolutions Committee)*

BE IT RESOLVED THAT: MASC calls on Congress to take swift and effective action on climate change to protect current and future students.

BE IT FURTHER RESOLVED THAT: MASC advocates for funding for school infrastructure need and emergency funding for disaster relief caused by natural catastrophes and extreme weather events.

RATIONALE: This resolution represents a call by advocates for action on climate change at the federal level and for state funding to anticipate the climatological implications and the emergencies they might cause.

An amendment was proposed to add the following language (in red) to the resolution:

THEREFORE BE IT RESOLVED THAT: MASC calls on Congress and the Massachusetts legislature to take swift and effective action on climate change to protect current and future students.

BE IT FURTHER RESOLVED THAT: MASC advocates for state and federal funding for school infrastructure need and emergency funding for disaster relief caused by natural catastrophes and extreme weather events.

**The resolution, as amended, was adopted.**

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## RESOLUTION 5: Full Funding of Transportation Costs for Students in Foster Care And State Care

*(Submitted by the MASC Board of Directors)*

BE IT RESOLVED THAT: the Commonwealth should fully reimburse transportation funding for children in foster care and state care. DCF and DESE must complete the process to provide proper documentation for the Commonwealth to receive reimbursement for transportation expenses under Title IV-E of the Social Security Act.

BE IT FURTHER RESOLVED THAT: MASC advocate the Massa-

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achusetts General Court to properly calculate and assume the full expense of providing educational services to students in foster care and state care including the costs of assessments, regular day and special education services as well as out-of-district placements, transportation and mental health services.

**The resolution, as presented, was adopted.**

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### RESOLUTION 6: Universal Quality Pre-Kindergarten Access in Massachusetts

(NOTE: This Resolution is a reaffirmation of a 2014 Resolution, submitted by the Framingham School Committee)

BE IT RESOLVED THAT: MASC file or support legislation that will provide a sufficient appropriation for universal pre-K in Massachusetts and will achieve the actions necessary to provide access to good, quality universal pre-K for all children in Massachusetts.

An amendment was proposed to add the following language (in red) to the resolution:

THEREFORE BE IT RESOLVED THAT: MASC file or support legislation that will provide a full capital and operating appropriation for universal pre-K and universal, full-day kindergarten in Massachusetts and will achieve the actions necessary to provide access to good, quality universal pre-K and universal, full-day kindergarten for all children in Massachusetts.

**The resolution, as amended, was adopted.**

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### RESOLUTION 7: Poverty and Children

(Note: This Resolution is a reaffirmation of a 2015 Resolution. Submitted by the Framingham School Committee.)

BE IT RESOLVED THAT: The Massachusetts Association of School Committee will prioritize, as a matter of its public policy agenda, and file for and support legislation to support the eradication of poverty among children in Massachusetts and advocate for social and economic justice for students and their families that will include:

- Support for a revenue stream that supports social and economic priorities for children and families.
- Support for state program and services that serve children at greatest social and emotional risk which are easily accessible to students and families.
- Advocacy for nutrition programs that eradicate hunger among children.
- Advocacy for healthcare including vision, hearing, dental and mental health through accessible service providers.
- Support for pre-kindergarten programs for all children.
- Advocacy for increasing educational opportunities for children to grow both inside and outside of school.

**The resolution, as presented, was adopted.**

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### RESOLUTION 8: Resolution for Access to Menstrual Supplies

(Submitted by the MASC Resolutions Committee)

BE IT RESOLVED THAT: MASC work with state and federal legislatures to provide additional funding to provide free access to

menstrual products from the school nurse and in restrooms and locker rooms.

**The resolution, as presented, was adopted.**

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### RESOLUTION 9: Charter School Reform

(Submitted by the MASC Board of Directors)

BE IT RESOLVED THAT: the Massachusetts Association of School Committees seek legislative action to both address the deleterious effects of charter school funding on certain municipalities and school districts across the state and approve a comprehensive set of reforms that includes:

- Establishment of strict guidelines or regulations to require that charter schools enroll representative cross sections of students residing within the school service areas.
- Reporting of accurate numbers of students who leave charter schools to return to the sending districts or district of residence.
- Requiring the MA Department of Elementary and Secondary Education to retain and report accurate data on enrollment of students with learning disabilities, physical disabilities, economic disadvantage, emotional disability and status as racial and linguistic minorities.
- State requirements that all charter schools be funded in full by the Commonwealth rather than by expropriation of Chapter 70 education aid from the sending cities, towns and regions.
- State funding in full of any mitigation funds created to offset the loss of state funding for students who become students in charter schools.

RATIONAL: This resolution addresses several areas where charter school critics note that school districts are disadvantaged by current policy. Among these issues are failure to recruit and retain a fair proportion of students at risk, English Language Learners, or clients of special education services. The resolution also recommends that charter schools should be funded as a discrete budget line item rather than by having sending district Chapter 70 funding diverted to charter schools and that the current mitigation program to offset temporary losses of district funds be fully funded. Critics of this resolution may argue that “the money follows the child” and that charter schools represent choices for parents and students. They might also cite efforts by some charter schools to recruit students at risk.

**The resolution, as presented, was adopted.**

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### PROPOSAL TO AMEND THE MASC BY-LAWS

The Board of Directors of the Association has recommended to members that the by-laws of the Association be amended as follows:

It is proposed that Article VII (Election of Officers), subsection 2 (Nominating Committee) be updated to reflect the addition of the Minority Caucus representative on the Board of Directors and as a representative on the Nominating Committee.

Current language reads as follows: A Nominating Committee of ten persons shall be appointed by the President with the advice and consent of the Board of Directors, on or before May 1 of each year. One of such persons shall be a past President, who shall serve as Chairman of the Nominating Committee, four shall be Division Officers and five shall be members of school committees which are

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of Education to collect data and report annually on student preparedness for college and career success by school district and high school, including student participation rates in college and career readiness programs, college acceptance and graduation rates as well as the percentage of students in internships earning industry-recognized credentials.

Following passage of the bill the Department of Education released a statement giving further detail on how the numbers will be calculated. In a memo from the Commissioner, Riley explained the Department is in the process of developing guidance, procedures, and regulations needed to implement the provisions of the legislation. In particular, this pertains to:

- **Chapter 70.** While the Student Opportunity Act updates the formula, DESE is still collecting and processing the enrollment, municipal revenue, wage adjustment, and inflation data needed to calculate the state aid allotments and local contribution requirements for FY21. This information will be provided to districts in January, in conjunction with the release of the Governor's House 2 budget proposal. (In his Legislative Bulletin analysis of the bill, MASC General Counsel Stephen Finnegan noted that DESE is required to calculate minimum aid adjustment using the base and incremental rates in the FY2020 budget, adjusted for inflation, plus the district's enrolment multiplied by \$30. Minimum aid is therefore the greater of either the district's foundation enrollment multiplied by not less than \$30, or the minimum aid adjustment minus the previous year's Chapter 70 aid. **This ensures that no district is harmed by any changes in this bill.**)

- **Low-income census.** The updated Chapter 70 formula applies the low-income increment to students in families at or below 185% of the federal poverty level, replacing the 133% threshold used for the "economically disadvantaged" count in the past two years. For FY21, the Department will use the greater of (a) the current economically disadvantaged count obtained through our direct certification process or (b) the district's FY16 low-income percentage applied to its current foundation enrollment. Riley

says the Department is studying options for collecting updated low-income data for FY22 and beyond, and recently met with MASC Executive Director Glenn Koocher, among others, to discuss alternative strategies.

- **Special education circuit breaker.**

The act phases in the reimbursement of out-of-district transportation costs required by individualized education programs for students with disabilities. In FY21, DESE will reimburse 25% of the eligible costs incurred during the 2019-20 school year (subject, of course, to appropriation). School business managers will receive detailed instructions from the DESE School Finance office on accounting for and reporting these costs.

- **Charter school tuition costs and reimbursements.** The act does not affect charter tuition costs and reimbursements in FY20. For FY21, (a) tuition rates will begin to reflect the changes to the foundation budget rates, and (b) the act commits to funding at least 75% of the tuition reimbursement formula. The preliminary cherry sheets issued in January 2020 for FY21 will include tuition and reimbursement estimates, but remember that the final amounts can differ significantly from the initial estimates.

- **District evidence-based three-year plans.** Each superintendent, in consultation with the local school committee, must develop a three-year, evidence-based plan to address persistent disparities in achievement among student subgroups. In developing its plan, each district must consider input and recommendations from parents and other community stakeholders, including special education and English learner parent advisory councils, school improvement councils, and educators.

The law requires that DESE prescribe the form and manner of these plans, and the Department is working to finalize plan templates and guidance documents for release to districts as soon as possible. At a minimum, the plans will require each district to address four areas outlined in the new law:

- Establish targets and outcome measures for addressing persistent disparities in achievement among student subgroups;
- Identify specific evidence-based programs the district intends to implement

to effectively reduce these disparities;

- Outline how Chapter 70 funds, as well as other local, state, and federal funds, will be used to implement the plan, including information about school level spending and resources for selected student subgroups; and
- Specify ongoing plans to effectively engage families and measure family engagement efforts, including targeted plans for families of low-income students, English learners and students with disabilities.

Each district's initial three-year plan must be submitted to DESE by April 1, 2020. In addition, each district must report data annually to DESE reflecting progress made in addressing disparities in achievement among student subgroups as a result of this plan. In addition to addressing any amendments required by the Commissioner, districts may also voluntarily amend their plans to reflect changes necessary to meet district targets.

For charter schools, DESE will update the annual report and accountability plan requirements to incorporate all of the information required in the district evidence-based plans.

- **School district reserve funds.** School districts that have established reserve funds under G.L. c. 40, s. 13E (for unanticipated or unbudgeted costs of special education, out-of-district tuition, or transportation) may now also use these funds for payment of tuition to recovery high schools.

- **Twenty-First Century Education grant program.** The act establishes a new competitive grant program to address persistent disparities in achievement among student subgroups, improve educational opportunities for all students, share best practices for improving classroom learning, and support efficiencies within and across school districts. We need to await further legislative action in an appropriations bill to fund this program.

DESE will continue to update you on implementing the Student Opportunity Act. For general questions or questions specific to your district, please email: [commissioner@doe.mass.edu](mailto:commissioner@doe.mass.edu). For additional analysis of the Student Opportunity Act and its impact on school districts, refer to the November *Legislative Bulletin* prepared by MASC Counsel Stephen Finnegan which is posted on the MASC website.

## TOOLS FOR SCHOOLS

### RESOURCES TO SUPPORT SCHOOLS MANDATED TO PROVIDE BREAKFAST AFTER THE BELL

In FY20, all schools with 60% or more students eligible for free or reduced-price meals are mandated through the State Budget to serve Breakfast After the Bell. Implementing a Breakfast After the Bell program is one of the best ways to increase participation in your school breakfast program. Many resources exist to assist schools and districts with starting or expanding Breakfast After the Bell programs, increasing participation, and provide comprehensive support around the State Budget Mandate:

- Technical assistance for schools and districts starting or expanding a Breakfast After the Bell program
- Grants to help schools and districts launch or expand Breakfast After the Bell programs
- Guidance and support for the State Budget Mandate and school breakfast regulation compliance
- Trainings for school and administrative staff
- Expertise in outreach strategies to increase breakfast participation

- Tools to analyze the financial viability of changes to breakfast menus, service models, or staffing
- Peer to peer meetings to learn from schools or districts already implementing Breakfast After the Bell

The Massachusetts School Breakfast Challenge partners collaborate statewide to support schools to improve breakfast programs. Partners include the Massachusetts Department of Elementary & Secondary Education, Project Bread's Child Nutrition Outreach Program, New England Dairy, Greater Boston Food Bank, Eos Foundation, and the School Nutrition Association of Massachusetts. Additional resources include:

- Common Questions and Answers about the Budget Mandate
- Breakfast After the Bell Toolkits: Grab & Go, Breakfast in the Classroom, and Second Chance Breakfast
- Promotional Breakfast Materials

To get started, contact Project Bread's Child Nutrition Outreach Program at [cnop@projectbread.org](mailto:cnop@projectbread.org).

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active members of the Association. The four Division officers and the five others shall be so appointed that each Division of the Association is represented.

Proposed language reads as follows (new language in bold face) A Nominating Committee of ten persons shall be appointed by the President with the advice and consent of the Board of Direc-

tors, on or before May 1 of each year. **A Past President shall serve as a non-voting chair of the committee. Five** members shall be Division Officers and five shall be members of school committees which are active members of the Association. The **five** Division officers and the five others shall be so appointed that each Division of the Association is represented.

**The proposal to amend the By-Laws, as presented, was adopted.**