



David P. Driscoll
Commissioner of Education

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Commissioner's Update

September 7, 2006







Dear Superintendents, and Leaders of Charter Schools and Collaboratives:

In this Update I have one announcement and six items recently posted at www.doe.mass.edu for your review.

MA School Counselors Association's Fall Conference

Superintendents, principals and guidance counselors are invited to attend the MA School Counselors Association's Administrator Leadership Summit on October 10 at the Sturbridge Host Inn and Conference Center. I will be there to lead a focused discussion with school administrators on the critical role that school counselors can play in improving schools and raising student achievement. I will be joined by Dr. Carolyn Stone, president of the American School Counselors Association, and key Department of Education administrators. We will also hear from superintendents, principals and guidance directors in districts that are implementing the MA Model for Comprehensive School Counseling Programs. My hope is that this Leadership Summit will facilitate ways in which Massachusetts state and local administrators can encourage and support school counselors with Model implementation. For more information and to register for this summit visit: www.masca.org/events/fall_conference.htm.

Postings at www.doe.mass.edu:

1. Outreach on Educational Options and Academic Support Opportunities - Required Notices Regarding Students who Leave High School Without Graduating

2. 2007 MCAS Alternate Assessment Training Opportunities

3. Ordering Test Materials for the Fall 2006 MEPA-R/W Administration

4. Acts of 2005 Relative to Public Education

5. Acts of 2006 Relative to Public Education

6. Supporting the Children of Guard and Reserve Institute


All the best and

Sincerely,

David P. Driscoll
Commissioner of Education



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Student Support, Career & Education Services

Outreach on Educational Options and Academic Support Opportunities

To: Superintendents and Leaders of Charter Schools

From: David P. Driscoll, Commissioner of Education

Date: September 5, 2006

Required Notices Regarding Students who Leave High School without Graduating

The beginning of a new school year brings with it the need to review and reinforce the safety net of educational options and academic support opportunities across the Commonwealth. These opportunities are particularly important for students who are leaving or have left school without having met the competency determination required for high school graduation.

Our goal is for all of these young people to gain the knowledge and skills necessary to earn a high school diploma and be adequately prepared for higher education, rewarding employment, and responsible citizenship. As such, we are advising you of two requirements intended to encourage students and former students to continue their education within their community or in academic support programs that are available at locations throughout the Commonwealth. **Please bring this information to the attention of high school principals and guidance counselors.** To help inform parents/guardians and students of these requirements as well, please also consider including this information in future student handbooks.

I. Required Notice and Invitation to Student/Parent to Meet about Educational Options

Mass. General Laws Chapter 76, Section 18 states that no student age 16 or older shall be considered to have permanently left public school unless a school administrator has sent notice to the student's parent or guardian inviting the parent/guardian and student to a meeting to discuss educational options available to the student. The statute reads as follows:

No student sixteen years of age or older shall be considered to have permanently left public school unless an administrator of the school which such student last attended has sent notice within a period of ten days from the student's fifteenth consecutive absence to the parent or guardian of such student in both the primary language of such parent or guardian and English, stating that such student and his parent or guardian may meet with the school committee or its designated representatives prior to the student permanently leaving school, within ten days after the sending of the notice. The time for meeting may be extended at the request of the parent or guardian and with the consent of the school committee or its designated representatives, provided no extension shall be for longer than fourteen days. Such meeting shall be for the purpose of discussing the reasons for the student permanently leaving school and alternative educational or other placements.

The superintendent of every city, town or regional school district shall annually report to the department of education the number of students sixteen years of age or older who have

permanently left school, the reasons for such leaving and any alternative educational or other placement which each such student has taken.

The provisions of this section shall not apply to a student who has completed the regular course of education, or apply to a student whose absences have been excused, nor shall this section be construed to permanently exclude a student who wishes to resume his education.

The intent of this law, which has been in effect since 1973, is to encourage schools to reach out to parents or guardians of students at risk of dropping out, by inviting the parent/guardian and the student to meet with a school administrator or counselor to discuss the educational options that are available. In addition to the school last attended, these educational options may include, but are not limited to:

- Alternative Education programs - <http://www.doe.mass.edu/alted>,
- Career and Technical Education - <http://www.doe.mass.edu/cte/>,
- Charter Schools - <http://www.doe.mass.edu/charter/>, and
- School Choice options - <http://finance1.doe.mass.edu/schoic/>.

II. Required Annual Notice for Two Years After Students Leave School Without a Diploma

Starting in school year 2006-2007, to help raise awareness about academic support options for students who have left school without having earned the competency determination for high school graduation, there is a new Department requirement:

All Massachusetts public school districts serving students in high school grades must provide annual written notice to former students who have not yet earned their competency determinations, and who have not transferred to another school: (i) to inform them of the availability of publicly funded post-high school academic support programs, and (ii) to encourage them to participate in those programs. At a minimum, a district must send annual written notice by first class mail to the last known address of each such student who attended a high school in the district within the past two years.

The Department's [Academic Support web pages](#) will be updated in early September 2006 with information about the entities that are funded to run academic support programs during the school year and summer 2006-2007. In particular, the [Pathways to Success](#) pages may help you learn more about options available for students in your area. If you have questions, you may contact the Student Support Unit via email (achievement@doe.mass.edu) or phone (781-338-3203).

Additionally, to help ensure student participation in academic support programs, districts are strongly encouraged to use multiple recruitment strategies that extend beyond the minimum notification requirement. These strategies may include, but are not limited to:

- *partnering with other local entities (such as community-based organizations) on efforts to reach students;*
- *using students' Individual Success Plans as a tool to help teachers and support programs better address students' academic support needs;*
- *meeting with students throughout their years in high school, encouraging them to take advantage of support options;*
- *reviewing existing school policies to ensure that they do not create barriers for reengaging students who have left the educational community; and*
- *making multiple efforts to reach students, by phone, mail, and/or in person. These efforts reinforce the message that there are school and district staff that students can turn to for support and educational guidance.*

Please note that the requirements noted above in sections I and II of this memorandum apply to students who most recently attended school in the district, as well as to district students who have been receiving their education in settings run by the Department of Youth Services (DYS), the Department of Mental Health (DMH), or the Department of Public Health (DPH) and who have decided to drop out of school after their

release from these settings.

Thank you for your attention to these important matters.

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Massachusetts Comprehensive Assessment System

2007 MCAS Alternate Assessment Training Opportunities

To: Superintendents, Principals, Special Education Directors, and Directors of Charter Schools, Educational Collaboratives, and Approved Private Special Education Schools

From: David P. Driscoll, Commissioner of Education


Date: September 5, 2006


I am writing to inform you of upcoming training opportunities for the 2007 MCAS Alternate Assessment (MCAS-Alt).

- Administrators are invited to attend an Administrator's Overview session being held across the state from October 3 through October 6. These sessions will address participation guidelines, accommodations policies, and other topics related to MCAS participation for students with disabilities. Registration deadline is September 29.
- Educators who will be administering the 2007 MCAS-Alt are invited to attend the Educator's Training being held across the state from October 10 through October 19. Important new materials and information on current assessment requirements will be provided at these trainings, so I encourage all teachers including those with prior experience, to attend. Registration deadline is October 6.

Informational flyers with dates and locations of all training sessions will be sent to you shortly, and have been posted to www.doe.mass.edu/mcas/alt.

Thank you for your attention to this important matter.

 Fall 2006 Administrators' Overview

 Fall 2006 Educators' Training



EVENTS CALENDAR

September 2006

S	M	T	W	T	F	S
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

NEWS SEARCH

Keyword:

Dates:

 Past 30 days

 Past 90 days

 Date Range

Start:

End:



Ordering Test Materials for the Fall 2006 MEPA-R/W Administration

To: Superintendents, Principals, and Directors of Charter Schools, Educational Collaboratives, Approved Special Education Private Schools, and Institutional Schools

Copy: ELL Directors

From: David P. Driscoll, Commissioner of Education

Date: September 5, 2006

I am writing in regard to the fall 2006 Massachusetts English Proficiency Assessment (MEPA) administration for limited English proficient (LEP) students. As you know, students are required to participate in the fall 2006 MEPA administration as follows:

Test	Administration Dates	Who Participates
Massachusetts English Language Assessment-Oral (MELA-O)	October 3-31, 2006	<ul style="list-style-type: none"> All LEP students in kindergarten* All LEP students in grade 3* All LEP students in grades 1-2, 4-12 who did not participate in spring 2006 MELA-O
Massachusetts English Proficiency Assessment-Reading/Writing (MEPA-R/W)	October 23-31, 2006	<ul style="list-style-type: none"> All LEP students in grade 3* All LEP students in grades 4-12 who did not participate in the spring 2006 MEPA-R/W

* Students who are repeating kindergarten or grade 3 and have already taken the MEPA test are not required to participate.

In order to ensure that schools receive sufficient materials for the fall MEPA-R/W test administration, principals must submit critical enrollment information by **September 22** and update school contact information by **September 15**, as outlined below.

The MEPA-R/W Enrollment Verification form is posted at www.mcasservicecenter.com (click on "MEPA" and then click on "Enrollment Verification"). Principals must use the passwords sent to them on January 10, 2006, to access the form.

Step 1: Review/update school contact information no later than September 15, 2006.

On the Enrollment Verification form, principals will review school contact information. This contact information was obtained from the Department's Directory Administration (DA) online program and includes updates made by districts through August 8, 2006.

Since test materials will be shipped to schools using the contact information from the DA program, your Directory Administrator must be informed of and must make any corrections to your contact information in DA **no later than September 15** to ensure that materials will be delivered for test administration.

Step 2: Order test materials for participating students no later than September 22.

The Enrollment Verification form for ordering test materials will be posted at 9 a.m. on September 5. Materials must be ordered **by 5 p.m., September 22**. The form must be submitted by all schools, including those that do not have students participating in fall MEPA.

Please note that **all** principals must complete the Enrollment Verification form, even if no materials are needed (i.e., no LEP students are participating).

When ordering test materials, principals should note that, new this school year, schools will not order typed response forms for students using accommodation 23. Principals will submit typed responses for these students on plain paper. Full instructions will be provided in the *MEPA Principal's Administration Manual*.

All LEP students educated at public expense are required to participate in MEPA, including students enrolled in approved and unapproved private special education schools within and outside Massachusetts. Therefore, superintendents are encouraged to contact those private schools that serve LEP students from the district to ensure that these students participate in MEPA.

More information about the test administration, including manuals, will be posted in early fall to the Department's Web site at www.doe.mass.edu/mcas/mepa.

Principals may contact the MCAS Service Center at (800) 737-5103 with any problems in accessing the Enrollment Verification form. To verify whether a newly enrolled student participated in the spring MEPA-R/W administration, principals may contact the MCAS Service Center to request a copy of the student's scores. As always, direct policy questions to the Student Assessment Services Unit at (781) 338-3625. Questions about the Directory Administration program should be directed to the Department's Data Collection Unit at (781) 338-DATA (3282).

Thank you for your assistance.

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Education Laws and Regulations

Acts of 2005 Relative to Public Education

2005 | [2006](#)

To: Superintendents, Charter School Leaders and Interested Parties

From: David P. Driscoll, Commissioner of Education

Date: September 6, 2006


The 184th General Court enacted the following legislation affecting public education. These laws, which are listed in the order in which they were enacted, became law during the 2005 legislative year.


Fiscal Year 2006 State Budget

Chapter 45 of the Acts of 2005, which was signed into law on June 30, 2005, appropriated more than \$3.9 billion in state funding of education in the Commonwealth's public schools. The major provisions relating to school finance and state aid programs are as follows. Categorical grant program highlights and changes are distributed through the appropriate Department of Education program units (see <http://finance1.doe.mass.edu/grants/> for details).

Chapter 70 The final Chapter 70 appropriation of \$3,288.9 million represented a 3.3% increase over the FY05 funding level. Required local contribution and net school spending requirements for each district were posted on the Department website at http://finance1.doe.mass.edu/chapter70/chapter_06.html.

The budget also included \$6.87 million for foundation reserve ("pothole") awards, and established some additional categories for eligibility. Application instructions and eligibility criteria for these funds were also posted at http://finance1.doe.mass.edu/chapter70/found06_Instr.html.

Special Education Funding The circuit breaker program headed into its third year of operation with a \$201.6 million appropriation. The reimbursement rate for FY06 payments was the statutory 75% rate. The program again included a \$3 million reserve for districts experiencing extraordinary increases in their current year (FY06) costs. It also included funding for a pilot program to study the role of collaboratives in providing cost effective transportation services for special education students. This pilot program is in progress. Tuition rates for approved private schools, which had been frozen in FY05, were increased by 2.66% for inflation by the Operational Services Division. For school district reimbursements see  http://finance1.doe.mass.edu/seduction/06cb_pmt_listing.xls.

Transportation Funding Regional school transportation funding was increased by 18.4% to \$45 million. FY 2006 payments have been made and are posted on the Department's website. The final reimbursement percentage was 78.08%. For school district reimbursements see  http://finance1.doe.mass.edu/transport/06_all.xls.

The transportation reimbursement program for students attending out-of-district vocational programs under Chapter 74 was continued and level funded at \$1.6 million. For more information see http://finance1.doe.mass.edu/transport/adv_nrvt.html.

Charter School Funding The new charter school tuition formula adopted in FY05 remained in effect for

FY06. The budget included \$50.1 million for tuition reimbursements to districts and \$14.8 million for the facilities component of the new formula. Final FY06 charter school tuition and reimbursements are available at http://finance1.doe.mass.edu/charter/fy06_rates_jun.html.

The full text of the fiscal year 2006 state budget is available at <http://mass.gov/legis/laws/seslaw05/sl050045.htm>.

Creditable Service for Vocational Education Teachers

Chapter 90 of the Acts of 2005, which was approved September 15, 2005 by an override vote of the House and Senate, amends Chapter 32, section 4 of the General Laws. It entitles teachers employed as vocational-technical school teachers to creditable service towards retirement for work experience in the occupational field in which they teach and which was required as a condition of employment in the vocational school. This new law applies to members of the teachers' retirement system or a teacher who is a member of the State-Boston retirement system. No credit will be granted until the member has paid into the Annuity Savings Fund of the retirement system either as a lump sum or in installments. A member must have completed ten or more years of membership service to be eligible and allowable creditable service shall not exceed three years.

The full text of the law is available at <http://mass.gov/legis/laws/seslaw05/sl050090.htm>.

For information on the application of this law to specific cases, please contact the [Teachers Retirement Board](#).

Federal Reimbursement for Certain Services for Children with Autism

Chapter 107 of the Acts of 2005, which was signed into law on October 5, 2005, requires the secretary of health and human services to apply to the federal Centers for Medicare and Medicaid Services for a home and community-based services waiver to allow eligible children with autism spectrum disorder to receive waiver services to support said children in their homes and communities. Components of the waiver application are noted in the new law. Of specific interest to public schools is the following language:

Services under the waiver shall be coordinated with services provided by school committees under chapters 71B and 111G of the General Laws. This section shall not affect or limit a school district's ability to obtain Medicaid reimbursement for school-related health services, or affect or limit a school districts responsibility to provide all services, including home-based services, required pursuant to said chapter 71B, 20 U.S.C. section 1400 to 1487, inclusive, and 29 U.S.C. section 794.

The full text of the new law is available at <http://mass.gov/legis/laws/seslaw05/sl050107.htm>.

High School Diplomas Available for Certain Veterans

Chapter 130 of the Acts of 2005, which was signed into law on Veterans' Day, November 11, 2005, is the Welcome Home Bill for Massachusetts service members, veterans and their families. Among the provisions of the new law is the opportunity for veterans of World War II, the Korean War or Vietnam War who meet eligibility requirements to receive a high school diploma. The veteran must be a Massachusetts resident who attended high school and withdrew prior to graduation in order to serve in the United States armed services and did not receive a high school diploma as a result. The veteran must have received an honorable discharge from the armed services.

[Section 4 of Chapter 71](#) of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following 2 paragraphs:

Notwithstanding any general or special law to the contrary, school committees may award diplomas to any World War II veteran, Korean War veteran or Vietnam War veteran as defined in clause Forty-third of [section 7 of chapter 4](#), who is a resident of the commonwealth, who attended the high school maintained by the school committee, who withdrew from secondary school before graduation in order to serve in the armed forces of the United States, who did not receive a high school diploma as a consequence of that

service, and who was honorably discharged from the armed services. The department of education and the department of veterans' services shall jointly promulgate guidelines for the identification of eligible veterans by school districts and for the awarding of the diplomas by school committees.

Family members of deceased veterans, who otherwise are eligible to apply for the diplomas, may apply for a diploma for the veteran posthumously under the same guidelines set forth by the department of education and department of veterans services.

The guidelines jointly promulgated by the Department of Education and the Department of Veterans Services are available at <http://www.doe.mass.edu/news/news.asp?id=2893>.

The full text of the law is available at <http://www.mass.gov/legis/laws/seslaw05/sl050130.htm>.

School Cost Reimbursements in Smart Growth Communities

Chapter 141 of the Acts of 2005, which was signed into law on November 22, 2005, entitles cities and towns that establish one or more smart growth zoning districts to smart growth school cost reimbursements from the Commonwealth. It amends Chapter 40 of the General Laws by adding a new section 40S. A "smart growth zoning district" is a zoning district adopted by a community and approved by the Department of Housing and Community Development which is eligible, and which remains eligible for density bonus payments under [Chapter 40R](#). Additional [Chapter 70](#) aid is available for each municipality as calculated by the Department of Education equal to the actual increase in [Chapter 70](#) aid payments that is attributable to the number of each municipality's eligible students from the school district. In the case of regional school districts, the amount of additional [Chapter 70](#) aid shall be apportioned among member communities proportionally based upon the number of eligible students from each member municipality.

For each fiscal year beginning with fiscal year 2008, any city or town that has established one or more smart growth zoning districts shall receive smart growth school cost reimbursement from the Commonwealth, subject to appropriation.

The full text of the new law is available at <http://mass.gov/legis/laws/seslaw05/sl050141.htm>.

Students Receiving Special Education Services in State Institutions

Chapter 6 of the Acts of 2005, a supplemental budget measure, included in section 8 an amendment to Chapter 71B, section 12 of the General Laws. The amendment clarifies that students with disabilities who are admitted to a day special education program at a state institution, as well as students who are admitted to residential programs at these facilities, are eligible to have tuition paid by their school districts. The text of the amendment reads as follows:

The city, town or regional school district in which each school-age child in any institution described in this section would normally be eligible to attend school and the city, town, or regional school district in which each day student admitted to an institution under the control of the department of public health and receiving educational services from the department of education would normally be eligible to attend school shall pay to the commonwealth the costs of the education of that child in the school department of that institution in an amount determined according to the regulations issued under section 10. The payment for each such child shall not be less than its average per pupil cost for pupils of comparable age within the city, town or regional school district. The amount due the commonwealth each year shall be deducted from the annual distribution to said city, town or regional school district pursuant to section 20 of chapter 59.

Acts of 2005 affecting specific school districts

Revere

Chapter 9 of the Acts of 2005, which was signed into law on March 15, 2005, authorizes the school department of the city of Revere to remain open, and to and conduct student instruction on Thursday March 17, 2005, and Friday June 17, 2005. These days are Suffolk County holidays Evacuation Day and Bunker Hill Day, respectively.

The full text of the law is available at <http://mass.gov/legis/laws/seslaw05/sl050009.htm>.

Chesterfield - Goshen Regional School District

Chapter 94 of the Acts of 2005, which was signed into law on September 23, 2005, authorizes the Chesterfield Goshen Regional School District to borrow up to \$600,000 to operate the regional school district while it adjusts its expenses and revenues. The law also details the issuance of bonds and notes necessary for implementation.

The full text of the law is available at <http://mass.gov/legis/laws/seslaw05/sl050094.htm>.

Bridgewater

Chapter 186 of the Acts of 2005, which was signed into law on January 5, 2006, authorizes the town of Bridgewater to appropriate \$265,000 from the capital projects fund to pay for the town's share of the rentals of modular classrooms at the Bridgewater-Raynham Regional High School and M.G. Williams Middle School and the rental of the St. Thomas Aquinas Parish Center.

The full text of the law is available at <http://mass.gov/legis/laws/seslaw05/sl050186.htm>.

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The 184th General Court enacted the following legislation affecting public education. These laws, which are listed in the order in which they were enacted, became law during the 2006 legislative year.

Elevator License Examinations

Chapter 45 of the Acts of 2006, which was signed into law on March 23, 2006, amends various provisions relative to the operation of the board of elevator regulations and sets qualifications for persons entitled to sit for examinations for certification as elevator constructors, maintenance persons, and repairmen, including, but not limited to work experience. Most relevant to the Department of Education is the provision in section 6, subsection (c), requiring applicants to document educational experience consisting of at least 450 hours of classroom training which is recognized and accredited by the Division of Apprentice Training or the Department of Education. The Department of Education will defer to the Division of Apprentice Training and the Executive Office of Public Safety in these matters.

The full text of the law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060045.htm>.

Special Education Needs of Children with Autism

Chapter 57 of the Acts of 2006 was signed into law on April 7, 2006 and amends provisions in chapter 71B, section 3 of the Massachusetts General Laws relative to the identification of children with special educational needs. When evaluations indicate that children have disabilities on the autism spectrum, including, but not limited to autistic disorder, Asperger's disorder and pervasive developmental disorder, childhood disintegrative disorder, or Rhett's Syndrome, the Individualized Education Program team is required to consider seven items. Consideration shall be given to the verbal and nonverbal communication needs of the children, the need to develop social interaction skills and proficiencies, the needs resulting from the child's responses to sensory experiences, resistance to environmental change or change in daily routines, engagement in repetitive activities and stereotyped movements, and the need for any positive behavioral interventions, strategies, and supports to address behavioral difficulties resulting from autism spectrum disorder, and other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development.

Further guidance is provided on the Department of Education website at http://www.doe.mass.edu/sped/advisories/07_1.html.

The full text of the law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060057.htm>.

Access to Student Records

Chapter 62 of the Acts of 2006, which was signed into law on April 13, 2006, amends section 34H of chapter 71 of the Massachusetts General Laws concerning access to student records by non-custodial parents. Non-custodial parents are entitled to access to their child's information unless they are currently denied legal custody or visitation, are subject to supervised visitation, or are subject to protective orders. Parents requesting information are to do so in writing to the school principal. The school is required to search student records for evidence of documents restricting parental access to the requested information, and to provide notice to the custodial parent.

The Student Records Regulations, 603 CMR 23.00, have been amended to incorporate the new provisions of state law. They are posted at <http://www.doe.mass.edu/lawsregs/603cmr23.html>.

The full text of the law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060062.htm>.


Supplemental Budget

Chapter 64 of the Acts of 2006, which was signed into law April 14, 2006, includes in section 13 a change in the per pupil capital needs component of the Commonwealth Charter School tuition rate for FY 2006 to \$776.

The full text of the law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060064.htm>.

Reporting of Fires in Schools

Chapter 80 of the Acts of 2006, which was signed into on May 12, 2006, amends Chapter 71, section 37L of the General Laws and requires each school committee to inform teachers, administrators, and other professional staff of reporting requirements relating to fires. (G.L. c. 71, s. 37L already requires each school committee to inform teachers, administrators, and other professional staff of reporting requirements relating to child abuse and neglect.)

The law also amends Chapter 148 of the Massachusetts General Laws to require principals of public and private schools to report any incident involving the unauthorized ignition of any fire within the school building or on school grounds to the local fire department. The principal is required submit the report within 24 hours of the incident. The Department worked with the Massachusetts Department of Fire Services and provides a  form designed by the Department of Fire Services for use by school principals. This law will take effect at the start of the 2006-2007 school year. Fire and law enforcement authorities have long sought this law so they can better protect their communities. For more information on this law, please see: <http://www.mass.gov/dfs/index.shtm>.

The full text of the new law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060080.htm>.

Health Insurance for School Employees

Chapter 90 of the Acts of 2006, which was signed into law on May 19, 2006, amends section 2 of chapter 32B of the General Laws and classifies all public school employees as employees during the months of July and August, under the contributory group general or blanket insurance plan for those individuals in the service of counties, cities, towns, and districts. The law requires deduction of contributions for inclusion during the prior school year. The law became effective immediately.

The full text of the new law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060090.htm>.

Supplemental Budget

Chapter 122 of the Acts of 2006, which was approved in part on June 24, 2006, provided supplemental appropriations and other actions. Relevant to education are:

- An appropriation of \$500,000 for grants to junior achievement organizations which was approved by an override vote of the legislature (line item 7035-0123)
- Several provisions regarding the Massachusetts School Building Authority (sections 6, 27, 28, 29, 30, 31, 32, 33, 34, 35, 58). For current school building project information, please visit the Massachusetts School Building Authority website at <http://www.mass.gov/msba/>
- The continuation of the middle level education study commission reporting date to June 30, 2007 (outside section 56)
- A \$1.25 million earmark for the 1:1 wireless initiative at the New Boston Pilot Middle School (outside section 104)
- A \$66,000 grant to the Greater Lawrence Spanish Community Services Program (outside section 113)
- A \$52,858 MCAS support earmark for the Dennison Memorial Community Center in New Bedford (outside section 114)

The full text of the new law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060122.htm>.

Economic Stimulus Bill

Chapter 123 of the Acts of 2006, which was approved in part on June 24, 2006, provides for a variety of economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy. Items relative to education include:

- The Governor setting aside the third week in November as "International Education Week" for the purpose of encouraging schools to participate in programs of international education, which was approved by an override of the Governor's veto (section 3)
- The global education advisory council exploring international opportunities for learning, exchange programs and the availability of curriculum materials for students, teachers, administrators and educational policy makers and make recommendations to the Commissioner, which was approved by an override of the Governor's veto (section 6)
- The Commissioner is authorized to recognize a school that meets the standards for international education programs established by the Global Education Advisory Council and shall, subject to appropriation, award grants not to exceed \$10,000 to local and regional school districts to support international education programs, which was approved by an override of the Governor's veto (section 7)
- The Robert H. Goddard Council on Science, Technology, Engineering and Math education is established within the Board of Higher Education, with the Commissioner as a designated member (section 8)
- The reestablishment of the Science, Technology Engineering and Mathematics (STEM) Council which was created by chapter 141 of the Acts of 2003, including the addition of a new Massachusetts Academy for Life Sciences, subject to appropriation from the STEM Pipeline Fund, to establish a program with mobile science labs for 5 regions of the state (section 30); \$4 million transferred to the fund (section 98)
- The establishment of 5 new funds on the books of the Commonwealth: the Education Rewards Fund Grant Program (\$1.5 million transferred, section 99), the CITI Fund (\$1 million transferred, section 100), the Massachusetts Board of Higher Education Scholar-Internship Match Fund (\$2.5 million transferred, section 101), and International Education and Foreign Language Grant Program Fund, and Workforce Competitiveness Trust Fund (section 31, which was returned by the Governor and subsequently became Chapter 168 of the Acts of 2006)
- An increase of \$3 million in the School-to-Career Connecting Activities FY 2006 line item, which was approved by an override of the Governor's veto (section 91)
- An increase of \$3.5 million in the Adult Basic Education FY 2006 line item (section 93)

The full text of the new law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060123.htm>.

Fiscal Year 2007 Budget

Chapter 139 of the Acts of 2006, the FY 2007 state budget, was signed into law on July 8, 2006. It provides \$3.506 billion in Chapter 70 state school aid for the coming year, an increase of \$217 million (6.6%) over FY06. The budget also included the first major overhaul of the Chapter 70 formula since the 1993 education reform law. These changes were the result of several years of discussions and debate. Hundreds of municipal and school officials, parents, researchers, and others provided valuable comments and suggestions during this process.

In particular, the new formula addresses the issue of "taxpayer equity", using updated municipal income and property data to ensure that communities of similar wealth are treated comparably. It also simplifies the calculation of state aid allotments and ensures that state aid will keep pace in districts with growing enrollments.

Highlights of the new formula:

- The foundation budget calculation has been simplified, with the previous 18 categories reduced to 11 categories. The new categories match the categories used by districts to report their actual spending.
- Foundation budget factors are increased for inflation by 5.86%. The 4.5% cap on inflation adjustments in the old formula has been eliminated, allowing for full adjustments for inflation.
- The foundation budget increment for English language learners has been increased by \$50 per student, and the increment for low-income students has been increased by \$25 per student.
- The new formula adopts the new "aggregate wealth model" for determining required local contribution targets, with property values and personal income levels given equal weight.
- The formula sets a statewide target of 59% local funding and 41% state funding of the foundation budget. For individual communities, the target percentages will vary depending on the community's wealth.
- The target local contributions are capped at 82.5% of foundation budget. When fully phased in, this cap will guarantee that every district receives state aid for at least 17.5% of its foundation budget.
- Chapter 70 state aid will include four components:
 - Foundation aid, to make up the difference between a district's foundation budget and its required local contribution.
 - Down payment aid, to provide districts with a share of the additional funding that they will eventually receive when the local contribution targets are fully phased in.
 - Growth aid, which guarantees an increase in state aid for any district whose foundation budget has increased, even if the district is already at foundation.
 - Minimum aid, which guarantees a small (\$50 per student) increase in aid to those districts with significant enrollment declines.

Many of the changes in the formula are being phased in over a period of several years, so the FY07 state aid allotments and required local contributions do not fully reflect the impact of these changes. For more details please visit http://finance1.doe.mass.edu/chapter70/chapter_07.html.

Non-Discretionary State Aid:

- Regional Transportation is increased by \$10.5 million
- Chapter 70, foundation Aid is increased by \$216.6 million
- The Circuit Breaker Program is increased by \$6.1 million
- Charter School Reimbursements and Charter School Facilities Aid Programs are combined into one account totaling \$73.8 million, reflecting a net increase of \$8.9 million.

Assessment and Accountability:

- The Certificate of Occupational Proficiency is increased by \$200,000
- Student Assessment (MCAS) is increased by \$4.5 million
- Extended Learning Time Grants if funded at \$6.5 million.

Educator Quality Enhancements:

- English Language Acquisition Professional Development is a new line item funded at \$500,000
- School Leadership Development for Principals and Superintendents is a new line item funded at \$1.0 million
- Teacher Content Training in Math and Science is newly funded at \$2.0 million.

Categorical Grant Programs:

- METCO is increased by \$2.0 million
- Work Based Learning is increased by \$2.0 million
- School-to-Work Connecting Activities is increased by \$200,000
- Adult Learning Centers is increased by \$3.2 million
- W.P.I. School of Excellence is increased by \$251,000
- The Pilot concurrent Enrollment Program is newly funded at \$2.0 million
- Matching Grants to Citizen Schools is newly funded at \$300,000
- The After-School Grant program is newly funded at \$1.0 million
- Gifted and Talented Grant Program is increased by \$250,000
- The YouthBuild Program is increased by \$600,000

Department of Education Administration:

- The Department's main administration account is increased by \$1.46 million
- The Department of Education and District Data & Reporting Tools Initiative is newly funded at \$5.2 million.

The full text of the FY 2007 state budget is available at <http://www.mass.gov/legis/laws/seslaw06/sl060139.htm>.

School-to-Work Programs

Chapter 149 of the Acts of 2006, which became law without Executive approval on July 11, 2006, became effective upon passage. It appropriated \$4.6 million to various school-to-work programs.

The full text of the new law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060149.htm>.

Allowing Students with Disabilities to Participate in Graduation Ceremonies

Chapter 152 of the Acts of 2006, which was approved on July 13, 2006, amends Chapter 71B of the General Laws by adding a new section 16 relating to participation of students with disabilities in high school graduation ceremonies. It allows students with disabilities who are completing the twelfth grade to participate in high school graduation ceremonies and activities, even if they did not pass the Massachusetts Comprehensive Assessment System (MCAS) examination, provided that they have met other criteria. The student must have maintained at least a 95 percent attendance level, have taken the MCAS examination in each subject area not passed at least 3 times (or submitted at least 2 portfolios for the MCAS-Alt), and be in good standing having met all local nonacademic standards. A high school diploma is not awarded and participation does

not limit the student's eligibility for special education services.

For a more detailed advisory, please see the Department of Education website at <http://www.doe.mass.edu/news/news.asp?id=3026>.

The full text of the new law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060152.htm>.

Creditable Service for Certain State Contract Employees

Chapter 161 of the Acts of 2006, which was signed into law on July 19, 2006, entitles certain qualified members of the state employees' retirement system who previously served as a contract employee for any department, agency, board or commission of the Commonwealth, to establish as "creditable service" up to four years of that service.

The Massachusetts Teachers Retirement Board and the Massachusetts State Retirement Board may be contacted for details.

The full text of the new law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060161.htm>.

Establishing Educational Funds

Chapter 168 of the Acts of 2006, which was approved on July 21, 2006 by the House of Representatives and the Senate, became effective immediately. The new law establishes five new state funds: the Educational Rewards Grant Program Fund, the CITI Fund for the continuation of the Commonwealth Information Technology Initiative, the Massachusetts Board of Higher Education Scholar-Internship Match Fund, the International Education and Foreign Language Grant Program Fund, and the Workforce Competitiveness Trust fund.

The full text of the new law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060168.htm>.

Mercury Management

Chapter 190 of the Acts of 2006, which was signed into law on July 28, 2006, amends a number of provisions in the General Laws. The relevant education provisions are:

- M.G.L. c. 21H, Section 6G (as amended by Chapter 190 of the Acts of 2006, effective October 1, 2006):

No school in the commonwealth shall purchase for use in a primary or secondary classroom elemental mercury, mercury compounds or mercury-added instructional equipment and materials, except measuring devices and thermometers for which no adequate nonmercury substitute exists that are used in school laboratories. This section shall not apply to the sale of mercury-added lamps or those products whose only mercury-added component is a mercury-added lamp or lamps.

- M.G.L. c. 21H, Section 6I (as amended by Chapter 190 of the Acts of 2006, effective May 1, 2008):

No person, household, business, school, healthcare facility or state or municipal government shall knowingly dispose of a mercury-added product in any manner other than by recycling, disposing as hazardous waste or using a method approved by the department [of environmental protection].

- M.G.L. c. 21H, Section 6N (as amended by Chapter 190 of the Acts of 2006, effective October 26, 2006):

The department [of environmental protection] shall adopt rules and regulations as may be necessary for the implementation of this chapter.

- Section 13 of Chapter 190 of the Acts of 2006:

On or before May 1, 2007, the department of environmental protection shall create an education program for persons, households, businesses, schools, healthcare facilities and state and municipal governments regarding the disposal of mercury and seek public comment on the program.

The full text of the new law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060190.htm>.

Supplemental Budget

Chapter 192 of the Acts of 2006 was signed into law, in part, on July 28, 2006. Included in this supplemental budget are provisions to make funds available in FY 2007 for the following line items:

- 7027-0016 Work Based Learning, \$2.6 million
- 7027-0019 School-to-Work Connecting Activities, \$3 million
- 7035-0002 Adult Learning Centers, \$3 million
- 7035-0004 Greater Lawrence Community Service Program

The full text of the new law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060192.htm>.

Granting School Nurses Professional Teacher Status

Chapter 267 of the Acts of 2006, which was passed over the Governor's veto on July 24, 2006 and approved August 21, 2006, amends Chapter 71 section 41 of the General Laws to include school nurses in the list of school personnel (including teachers, school librarians, school adjustment counselors, school social workers and school psychologists) who are eligible for professional teacher status if they meet certain established criteria.

The full text of the new law is available at <http://mass.gov/legis/laws/seslaw06/sl060267.htm>.

Acts of 2006 Relative to Specific School Districts

Essex North Shore Agricultural and Technical School

Chapter 9 of the Acts of 2006, "An Act relative to the Essex North Shore Agricultural and Technical School District," was approved January 25, 2006. This law amends various provisions of chapter 463 of the Acts of 2004 relative to the establishment and operation of the Essex North Shore Agricultural and Technical School District. It increases the number of members on the temporary oversight board for the district from 11 to 13 to include the superintendent-director of the North Shore Regional Vocational School and the Superintendent of the Essex Agricultural and Technical. The time for filing of reports detailing the capital needs of schools is extended from 6 months to 18 months. The school committee is granted the authority to not maintain the current school properties if the creation of new schools calls for their removal, replacement, alteration or rehabilitation. The permissible radius for students attending the school is increased from ten miles to twenty miles.

The full text of the law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060009.htm>.

Athol-Royalston Regional School District

Chapter 50 of the Acts of 2006, "An Act regulating the financial conditions in the Athol-Royalston Regional School District," was approved March 31, 2006. The Athol-Royalston Regional School District is authorized to borrow up to one million dollars to maintain and operate the regional school district in order to achieve balanced budgets and fiscal stability. The law also regulates the borrowing and use of the funds.

The full text of the law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060050.htm>.

Auburn

Chapter 66 of the Acts of 2006, "An Act authorizing the town of Auburn to convey a certain parcel of land," was approved April 20, 2006. The law authorizes the town of Auburn to purchase a specific parcel of land and regulates the terms of the purchase. The parcel is contiguous to the new Auburn High School and will be used by the town in conjunction with the school.

The full text of the law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060066.htm>.

Manchester Essex Regional School District

Chapter 71 of the Acts of 2006, "An Act authorizing the issuance of certain bonds by the Manchester Essex Regional School District," was approved on May 4, 2006. The law authorizes the Manchester Essex Regional School District to issue bonds for the purpose of constructing, originally equipping and furnishing a new district high school/middle school and for site preparation, development and equipping of related outdoor athletic and recreational facilities; regulates the terms of said bonds.

The full text of the law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060071.htm>.

Pentucket Regional School District

Chapter 108 of the Acts of 2006, "An Act regulating the financial conditions in the Pentucket Regional School District," was approved June 13, 2006. The law authorizes the Pentucket Regional School District to borrow amounts in the aggregate up to \$2,500,000 for the purpose of balancing budgets and achieving fiscal stability. There are detailed provisions regulating the procedure for borrowing and allocating said funds.

The full text of the new law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060108.htm>.

Lynn

Chapter 117 of the Acts of 2006, "An Act transferring responsibility for the maintenance and repairs of all city of Lynn school buildings and grounds," was approved June 21, 2006. The law grants authority to the department of inspectional services of the city of Lynn to be responsible for the inspection, maintenance and repairs of all buildings owned by the city of Lynn, including school buildings within the city of Lynn.

The full text of the new law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060117.htm>.

Hopkinton

Chapter 158 of the Acts of 2006, "An Act authorizing certain terms for borrowing by the town of Hopkinton for construction of school buildings," was approved on July 19, 2006. The law articulates maturity, finance and payment terms for the bonds issued by the town of Hopkinton

for the design, development, construction, and equipping of the proposed new Fruit Street elementary school, and the early childhood center buildings and any proposed improvements, equipment and furnishings, and repair and renovation of the Elmwood elementary school. The law became effective upon its passage.

The full text of the new law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060158.htm>.

Martha's Vineyard Regional High School District

Chapter 178 of the Acts of 2006, "An Act authorizing the Martha's Vineyard Regional High School District to lease certain land," was approved on July 27, 2006. The law authorizes the Martha's Vineyard High School District school committee to enter into a lease with the Y.M.C.A. for the rental of a parcel of land and articulates the conditions of the lease agreement.

The full text of the new law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060178.htm>.

Revere

Chapter 180 of the Acts of 2006, "An Act authorizing the city of Revere to use certain dedicated park land for school purposes," was approved on July 27, 2006. The law authorizes the city of Revere to use the DiSalvo Park land for construction of a new middle and elementary school and for other school purposes.

The full text of the new law is available at <http://www.mass.gov/legis/laws/seslaw06/sl060180.htm>.

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Student Support, Career & Education Services

Supporting the Children of Guard and Reserve Institute

To: Superintendents, Charter School Leaders and other Interested Parties

From: David P. Driscoll, Commissioner of Education

Date: September 2006

Operation Military Kids Massachusetts (OMK-MA) will host a two day session, Supporting the Children of Guard and Reserve Institute, to help educators, guidance counselors, school nurses and social service providers learn to recognize and address the challenges facing the children of deployed servicemen and women. The session will be conducted by the Military Child Education Coalition (MCEC) and is funded by the Department of the Army Community and Family Service Center.

This conference will be held November 2 - 3, from 8:30 a.m. to 4 p.m. at the Westford Regency Inn and Conference Center, 219 Littleton Rd., Westford MA.

There is no cost to participants except for travel and lodging. To access the registration information, go to the MCEC website: <http://www.MilitaryChild.org/GuardForm.asp> or contact State OMK Coordinator, Gretchen May, UMass Extension 4-H, 413-577-0332, gmay@umext.umass.edu

I encourage you to send representatives from the district including guidance or other counseling and a school nurse to this unique training opportunity.

Background:

Operation Military Kids (OMK) - Massachusetts is a collaborative effort and partnership of the U.S. Army's Child and Youth Services, USDA's National 4-H Program, the University of Massachusetts Amherst 4-H Program, and UMass School of Public Health and Health Sciences in affiliation with the MA Department of Education, the MA National Guard, the U.S. Army Reserve, Boys & Girls Clubs, and the American Legion.