

2020 Annual Report to BESE

Education-Related Laws

The following laws relating to the Department of Elementary and Secondary Education (the Department) have been enacted during 2019 as part of the 191st Legislative Session. The laws are listed in chronological order of enactment.

LEGISLATION

An Act relative to children’s health and wellness

[Chapter 124 of the Acts of 2019](#)

Effective: 11/26/19

The Children’s Health and Wellness law directs the Secretary of Health and Human Services to establish a pilot program, in consultation with the office of the child advocate, the Department of Children and Families, the Department of Early Education and Care and the Department of Elementary and Secondary Education, consisting of three regional childhood behavioral health centers of excellence, each acting as a clearing house for providers, services and supports.

In addition, Chapter 124 establishes two special commissions, the second of which the Commissioner of Elementary and Secondary Education is included as a member. One is charged with making recommendations regarding the role of school-based health centers and the second will review and report on existing mandated reporter laws and regulations.

An Act relative to educational opportunity for students

[Chapter 132 of the Acts of 2019](#)

Effective: 2/24/20 (90 days from enactment)

Implementing the recommendations of the 2015 Foundation Budget Review Commission, this act increases the foundation budget rates in the Chapter 70 formula for all districts, with particular focus on districts with high numbers of low income students and English learners. This will result in an estimated \$1.5 billion increase in Chapter 70 aid over the next seven years. Other provisions of the act include:

- A Twenty-first Century Trust Fund administered by the Commissioner of Elementary and Secondary Education to provide support in closing achievement gaps, sharing best instructional practices to improve classroom learning and increasing school and district efficiencies
- A requirement that each district submit to the Department an evidence-based 3-year district improvement plan to meet targets for addressing persistent disparities in achievement among student subgroups
- The establishment of a data advisory commission charged with the collection, analysis and public reporting of data pertinent to student preparedness for workforce and post-graduate success
- Full funding for charter tuition reimbursement by 2024
- Additional funding for circuit breaker and school building assistance
- Several policy studies:
 - Local Contribution Study
 - Rural Schools Commission
 - Low-Income Student Estimate Study
 - Recovery High School Per Pupil Cost Analysis

2019 BUDGET LAWS

FY19 Supplemental Budget

[Chapter 34 of the Acts of 2019](#)

Approved: 07/08/19

Chapter 34 extended expenditure deadlines for three DESE related line-items. 7061-9814, DESE Summer Learning Grants, were extended through the summer months of 2019 in Section 26. 4590-1504, a DPH administered neighborhood-based gun and violent crime prevention pilot program for targeted work with out-of-school youth and young adults aged 17 to 24 that coordinates with programs and services funded through items 7061-0010, DESE mental health and substance abuse grants, and 7061-9612, DESE's Safe and Supportive Schools Grant Program, was also extended through June 30, 2020.

FY20 General Appropriations Act

[Chapter 41 of the Acts of 2019](#)

Approved: 07/31/19

The law provides total spending authority of \$5.939B for the Department, most of which goes to cities, towns, and school districts through Chapter 70 and other forms of education aid and reimbursements. This total represents 13.8% of the total state budget and 6.1% growth over FY19 spending, an increase of \$146.4M (2.5%) above the Governor's FY20 request (House 1), \$83.39M (1.4%) above the House's recommendation, and \$45.2M above the Senate's recommendation.

The following summarizes the GAA education spending by program areas. Our budget tracking spreadsheet is attached, showing detail for all Department appropriations.

I. Education Local Aid & Reimbursements

Chapter 70 aid (7061-0008), is increased by \$268.4M (5.5%) over FY2019 to \$5.176B. The increase in Chapter 70 maintains the long-standing commitment to foundation level spending in all districts; fully phases-in (100%) effort reduction for high effort communities; ensures that required contributions for municipalities with combined effort yields greater than 175% of foundation equal their target local shares; and guarantees a minimum aid increase of \$30 per pupil to all districts. The FY20 GAA also implements foundation budget rate changes, above inflation, in the areas identified by the Foundation Budget Review Commission (FBRC):

- For benefits and fixed charges, the GAA contains rate increases to close one-seventh of the gap toward the goal rates proposed in House 70
- The GAA also establishes new goal rates for economically disadvantaged students in deciles 6–10, so that decile 6 is increased to 77 percent of the statewide average foundation budget per pupil base rate and decile 10 is increased to 100%. It closes one-seventh of the gap toward the new economically disadvantaged goal rates for deciles 6–10 and increases deciles 1–5 by annual inflation
- The GAA establishes new goal rates for each EL grade category so that at full implementation all ELs will receive an increment equal to \$2,537 per pupil in FY20 dollars, closing one-seventh of the gap toward the new goal rate in FY20
- The GAA establishes a goal rate for out-of-district special education equal to 3-times the FY19 statewide average foundation budget per pupil or \$34,345 and closes one-seventh of the gap toward this new goal rate in FY20

- The GAA also initiates an increase to the in-district assumed special education percentages, closing one-seventh of the gap between 3.75% and 4% for non-vocational students and one-seventh of the gap between 4.75% and 5% for vocational students

The FY20 GAA contains an increase of \$25M for charter school tuition reimbursements for districts (7061-9010) to \$115M. Out of the total appropriation, \$100M is to fund the tiered reimbursement formula, which moves to a three-year reimbursement schedule (100/60/40), prioritizing the first year of reimbursement and basing reimbursement on year-over-year tuition growth in accordance with the current statute. There is also \$15M included in the line item to address two specific items: \$7.5M in supplemental funding for districts with charter tuition greater than 9% of net school spending and that receive less than the state average Chapter 70 aid as a percent of foundation and \$7.5M for districts to mitigate the costs associated with significant and sustained charter school enrollment growth. The GAA also increases the facilities tuition rate to \$938 per student and fully reimburses districts for these costs.

The GAA also establishes a \$10.5M reserve fund (7061-0016) to provide transitional relief to districts and charter schools whose Chapter 70 aid and tuition revenue has been significantly and negatively impacted by the change in how low-income enrollment is counted. It also guarantees that districts and municipalities that received more than \$500,000 in transitional aid in FY19 (7061-0008) will receive awards from 7061-0016 in FY20.

Special Education Circuit Breaker reimbursement (7061-0012) is increased by \$25.8M over the FY19 level to \$345M, with \$17.7M to support district claims growth and \$4M to increase support for the voluntary residential placement prevention program at the Department of Developmental Services.

The GAA budget has increased Regional School Transportation (7035-0006) by \$6.98M over the FY19 budget. Homeless Transportation is also increased by \$2M over FY19

Level. Foundation Reserve (7061-0011) is not funded in FY20 since students who came here due to Hurricanes Maria and Irma are now included as part of the Chapter 70 formula. The FY20 GAA budget creates a new account for School District Regionalization Grants (7061-9809) for \$0.5M and eliminates funding for Regional Bonus Aid (7061-9810). Funding for the Rural Aid account (7061-9813) has also increased by \$1M to \$2.5M. METCO (7010-0012) receives \$2M more than the FY19 budget in the FY20 GAA.

The FY20 GAA does not include the Governor's House 1 proposed education investment trust funds that would be used to seed education investments, including \$50M for a new trust fund to help drive quality improvements in low-performing schools (7010-5010 Public School Improvement Trust Fund) and \$30M to help local school districts address their school safety needs (7010-5020 School Safety Trust Fund).

II. Targeted District Support

The FY20 GAA does not support the House 1 proposed consolidation of Expanded Learning Time Grants (7061-9412) with the Targeted Assistance account (7061-9408). The accounts remain as separate appropriations at similar levels as FY19.

III. Literacy and English Language Acquisition

The FY20 GAA does not support the House 1 proposed consolidation of the Literacy and English Language Acquisition accounts into a newly renamed English Acquisition and Literacy Programs account. The accounts remain as separate appropriations. Literacy (7010-0033) is increased by \$0.7M due to earmarks. The English Language Acquisition account (7027-1004) sees an increase of \$1M over FY19 level.

IV. Program Changes

The FY20 GAA has appropriated \$1.5M for the Civics Project Trust Fund (1595-0115) for the Department to implement the Civics Engagement Act of 2018.

The FY20 GAA has eliminated FY20 funding for the Mental Health and Substance Abuse Grant program (7061-0010), but the FY2019 funding balance has been approved to roll into FY20 since a PAC (prior appropriation continued) provision was approved through a supplemental budget.

The FY20 GAA gives an increase of \$0.46M to School-to-Career Connecting Activities over FY19 budget level and the account contains \$0.96M of earmarks.

The FY20 GAA increases Adult Basic Education (7035-0002) by \$7.695M over FY19 budget to \$41M and contains \$445,000 of earmark spending.

The FY20 GAA has eliminated spending for the Innovation Schools account ((7061-9011).

The After-School Grant Program (7061-9611) has been increased by \$4M by the FY20 GAA over FY19 budget to \$8.29M and contains \$2.215M of earmark spending.

The FY20 GAA has increased funding for the following accounts:

- 7061-0033 Public School Military Mitigation account at \$1.425M
- 7061-9401 Assessment Consortium account at \$550,000
- 7061-9634 Mentoring Matching Grants at \$1M
- 7061-9812 Child Sexual Abuse Prevention at \$975,000

The GAA has added five new line items for FY20:

- \$1M for the 7010-1193 Civics Education Programs
- \$250,000 for the 7010-1194 Financial Literacy Grants account
- \$1M for the 7010-1202 Computer Science Education
- \$500,000 for the 7035-0001 Career and Technical Education Program
- \$2M for the 7061-9650 Supporting Healthy Alliances Reinforcing Education (SHARE) Grant Program

The FY20 GAA supports the Governor's House 1 request to increase funding in the Teacher Certification Retained Revenue (7061-9601) account to a total of \$2.3M to support the Department's work in educator licensing, including investigatory work in the Office of Professional Practice Investigations.

The Department's other accounts are level funded in the FY20 GAA budget with either the removal/addition of legislative earmarks and/or changes in FY20 payroll costs.

FY19 Supplemental Budget

[Chapter 142 of the Acts of 2019](#)

Approved: (in part) 12/13/19

The close-out supplemental budget to the FY19 GAA funded an Executive Office of Education infrastructure grant program to enhance safety and security measures (7009-6800) at \$2,000,000, a DESE grant program for mental and behavioral health services (7061-0010) at \$2,000,000, a DESE grant program for the prevention of hate crimes (7061-9815) at \$400,000, and appropriated additional funds to the following DESE administered line-items:

- 7010-1192 Educational Improvement Grants (earmarks) \$390,000
- 7035-0006 Regional School Transportation \$5,187,992
- 7035-0008 Transportation Reimbursement for Homeless Students \$2,000,000
- 7061-0012 Circuit Breaker \$1,998,540
- 7061-9010 Charter School Tuition Reimbursement \$5,000,000
- 7061-9611 After School Grant Programs \$200,000
- 7061-9813 Rural School Aid \$1,000,000

This supplemental budget also forwarded FY19 regional transportation funds (7035-0006) of \$2,616,032 to be expended in FY20, changed criteria language for the disbursement of rural aid (7061-9813), and forwarded \$1,000,000 of FY19 rural aid allocations to FY20 for expenditure (7061-9813).