*****Massachusetts Department of***

***Elementary and Secondary Education***

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| Mitchell D. Chester, Ed.D.*Commissioner* |  |

# MEMORANDUM

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| **To:** | Members of the Board of Elementary and Secondary Education |
| **From:**  | Mitchell D. Chester, Ed.D., Commissioner |
| **Date:**  | January 13, 2017      |
| **Subject:** | Final Report on Education-Related Laws of the 189th Legislative Session |

The following laws relating to the Department of Elementary and Secondary Education (ESE) have been enacted during the 2015-2016 189th Legislative Session. The laws are listed in chronological order of approval.

**LEGISLATION**

**An Act relative to relative to state personnel**

[Chapter 19 of the Acts of 2015](https://malegislature.gov/Laws/SessionLaws/Acts/2015/Chapter19)

Approved: 05/04/15

Effective: 05/04/15

Early Retirement Incentive

**An Act relative to the essex north shore agricultural and technical school district**

[Chapter 41 of the Acts of 2015](https://malegislature.gov/Laws/SessionLaws/Acts/2015/Chapter41)

Approved: 06/30/15

Effective: 06/30/15

Extends the deadline for chapter 95 of the Acts of 2014 to take effect. Beginning July 1, 2016, employees of the district will be eligible to participate in all group insurance programs and benefits administered by the group insurance commission.

**An Act establishing a state workforce development board**

[Chapter 142 of the Acts of 2015](https://malegislature.gov/Laws/SessionLaws/Acts/2015/Chapter142)

Approved: 12/02/15

Effective: 12/02/15

Establishes a Workforce Development Board to promote innovative and performance driven models for workforce development. The Secretary of Education serves on the Board.

**An Act relative to substance use, treatment, education and prevention**

[Chapter 52 of the Acts of 2016](https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter52)

Approved: 03/14/16

Effective: 03/14/16

Requires public schools to prepare a substance abuse prevention and education plan, notify parents and students, and file the plan with ESE. ESE, in collaboration with the Department of Public Health (DPH), will provide guidelines on its website to assist schools with developing and implementing the plan and ESE (with DPH) must recommend two grade levels at which students will be screened in schools for substance abuse. Subject to appropriation, districts will use a substance use screening tool that is approved by ESE (with DPH) by the 2017-2018 school year and districts shall report aggregate data within 90 days of screening to DPH. ESE shall notify each school district in writing of the requirement to screen students for substance use disorders pursuant to this section. ESE (with DPH) shall create a notice and opt-out form relative to substance use disorder screenings. MASC, MASS, and MCPSA to report to ESE and the Joint Committee on Mental Health and Substance Abuse on compliance with Chapter 71 Section 96 (substance abuse prevention policy requirement for public schools) by 07/01/16.

ESE’s *Guidance on School Policies Regarding Substance Use Prevention* is posted at: <http://www.doe.mass.edu/sfs/safety/atod.html>

**An Act to improve public records**

[Chapter 121 of the Acts of 2016](https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter121)

Approved: 06/13/16

Effective: 01/01/17

Promotes greater electronic access by urging departments to put more documents online and distribute documents that already exist electronically in an electronic format. Requires timely agency response to public records requests.

**An Act modernizing municipal finance and government**

[Chapter 218 of the Acts of 2016](https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter218)

Approved: 08/09/16

Effective: 07/01/16 through 01/01/18

Primarily makes clarifications to existing municipal statutes around fiscal actions. The law also stipulates prioritization of grant applications representing regional compacts, as well as requiring the Commonwealth’s Operational Services Division to develop a process by which districts can access lower cost textbooks and other educational materials through bulk purchasing.

**An Act relative to job creation and workforce development**

[Chapter 219 of the Acts of 2016](https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter219)

Approved: 08/10/16

Effective: 08/10/16

The FY17 Economic Development Bill includes a $45.9 million competitive grant program for career and technical schools to purchase and install new equipment, $2.4 million in competitive grant funding for early college programs that allow high school students to earn free college credits towards an associate degree or certificate at partnering institutions of higher education, provides structure for a program to support training to address workforce shortages in the advanced automotive and diesel technician industry, and establishes a special commission to conduct a comprehensive study relative to the practical, economic, fiscal and health related impacts of the commonwealth remaining on eastern daylight time.

**An Act relative to school improvement plans**

[Chapter 225 of the Acts of 2016](https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter255)

Approved: 09/01/16

Effective: 12/01/16

Clarifies the protocol for school improvement plan submission and approval.

**An Act establishing Massachusetts farm-to-school month and commending farm-to-school programs**

[Chapter 267 of the Acts of 2016](https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter267)

Approved: 09/21/16

Effective: 09/21/16

Designates October as Massachusetts farm-to-school month and authorizes ESE to collaboratively form a joint taskforce with the department of agricultural resources and the department of public health to strategize regarding opportunities to expand farm-to-school programs statewide.

**An Act requiring automated external defibrillators in schools**

[Chapter 443 of the Acts of 2016](https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter443)

Approved: 01/13/17

Effective: 07/01/18

Requires school districts, private schools, charter schools, approved private day or residential schools, and collaborative schools to maintain an AED at each of its instructional facilities. ESE is directed through this bill to administer hardship waiver requests submitted by districts in cases where districts are unable to comply with the requirement. In addition, ESE is required to promulgate regulations around the maintenance of the units and to provide districts and aforementioned schools with information about resources available to procure the AEDs.

**BUDGET LAWS**

**FY15**

**An Act making appropriations for the fiscal year 2015 to provide for supplementing certain existing appropriations and for certain other activities and projects**

[Chapter 119 of the Acts of 2015](https://malegislature.gov/Laws/SessionLaws/Acts/2015/Chapter119)

Approved: 11/02/15 (in part)

Effective:11/02/15

The fall FY15 supplemental budget appropriated $4.5 million including $3.8 million for mental health counselors in schools and an additional $630,000 in foundation reserve funding. Outside Section 4 provides for consolidated Human Resources for the Department of Higher Education, the Department of Early Education and Care and the Department of Elementary and Secondary Education. Outside Section 34 establishes a task force on child sexual abuse prevention on which the Commissioner of Elementary and Secondary Education sits.

**FY16**

**An Act making certain appropriations for fiscal year 2016 – General Appropriation Act (GAA)**

[Chapter 46 of the Acts of 2015](https://malegislature.gov/Laws/SessionLaws/Acts/2015/Chapter46)

Approved: 07/17/15 (in part)

Effective: 07/01/15

The General Appropriation Act contains total state spending of $38.34 billion, of which ESE receives $5.1 billion, approximately 13.3 percent of the state budget for FY16, over 95 percent of which is local education aid, grant funding, or reimbursement for cities, towns, and regional school districts. The budget plan places particular emphasis on increasing local education aid for districts. The FY16 total appropriation for K-12 education represents an increase of $144.1 million above FY15. The FY16 state budget allocates $27.4 million for ESE to administer its responsibilities, approximately 0.5% of the total state budget for K-12 education.

Some budget line items of particular note:

*Line 7061-0008* appropriates $4.51 billion for Chapter 70 state aid, representing an increase of $111.2M (2.5%) over FY15.

*Line 7061-0012* funds $271.6 million for the Special Education Circuit Breaker program, which is an increase of $18.2 million over the FY15 budget of $253.4 million.

*Line 7035-0006* funding for Regional School Transportation Costs is at $59 million, which is a $2.5 million increase over the FY15 budget of $56.5 million.

New grant programs:

*7061-9812* Child Sexual Abuse Prevention…………………………………….$150,000

Some outside sections that are of significance to ESE and elementary and secondary schools:

Section 3. Requires that health care costs for retired teachers not be considered part of net school spending for any district in which such costs were not considered part of net school spending in fiscal year 1994, and in which such district did not already accept the provisions of chapter 165 of the acts of 2014.

Section 7. Creates a STEM advisory council on which the Commissioner of Elementary and Secondary Education will serve as an ex-officio member.

*Section 31*. Creates an Economic Trust Fund to, in part, establish financial literacy programs as well as college and career readiness programs. The commissioner of elementary and secondary education serves on the board of trustees.

*Section 63.* Authorizesthe Massachusetts Computing Attainment Network (MassCAN) to collaborate with the department of elementary and secondary education to develop new voluntary computer science standards for K-12.

**An Act making appropriations for the fiscal year 2016 to provide for supplementing certain existing appropriations and for certain other activities and projects**

[Chapter 70 of the Acts of 2016](https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter70)

Approved: 4/1/2016

Effective:4/1/2016

The spring FY16 supplemental budget appropriates $1.8 million for the student assessment account.

**An Act making appropriations for the fiscal year 2016 to provide for supplementing certain existing appropriations and for certain other activities and projects**

[Chapter 283 of the Acts of 2016](https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter283)

This FY16 supplemental budget funds the state student assessment line item 7061-9400 for an additional $8.75 million.

**FY17**

**An Act making certain appropriations for fiscal year 2017 – General Appropriation Act (GAA)**

[Chapter 133 of the Acts of 2016](https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter133)

Approved: 07/08/16 (in part)

Effective: 07/01/16

The GAA contains total state spending of $38.9 billion, which reflects spending growth of 1.3 percent ($489 million). This overall spending authorization reflects a downward adjustment in the state revenue growth assumption from 4.3 percent to 3 percent, $838 million in available revenue. The FY17 GAA bill provides total spending authority of $5.208 billion for ESE, which represents 13.4 percent of the total state budget and 1.8 percent growth ($91.3 million) over FY16 spending. Over 95 percent is local education aid, grant funding, or reimbursement for cities, towns, and regional school districts. The FY17 state budget allocates $23.6 million for ESE to administer its responsibilities, approximately 0.45% of the total state budget for K-12 education. In signing the budget, the Governor emphasized a commitment to fund local education aid accounts.

Note: On 12/06/16, the Governor exercised his 9c budget reduction authority. The ESE list totals $6.3M and is targeted to legislative earmarks that the Governor had previously vetoed earlier in FY17 and that were subsequently overridden by the Legislature.

Some budget line items of particular note:

*Line 7061-0008* appropriates $4.63 billion for Chapter 70 state aid, representing an increase of $116,131,419 over FY16.

*Line 7061-0012* funds $277.28 million for the Special Education Circuit Breaker program, which is an increase of $5.56 million over the FY16 budget of $271.6 million.

*Line 7035-0006* funding for Regional School Transportation Costs is at $61 million, which is a $2 million increase over the FY16 budget of $59 million.

Some outside sections that are of significance to ESE and to elementary and secondary schools:

*Section 49.* Removes the 5 percent sponsor-district enrollment requirement for virtual schools in Massachusetts.

*Section 165.* Requires ESE to conduct a study on the calculation of low-income students within public school districts as it relates to determining the number of low-income students in the distribution of funding pursuant to chapters 70 and 76 of the General Laws and to report findings by December 19, 2016.

*Section 188.* Establishes a commission to review how regional school districts are funded with a report due to the legislature by December 31, 2017. The Commissioner appoints a member of the Commission.

*Section 190.* Sets up a special commission to study and make recommendations to improve efficiencies relative to transportation for homeless students with a report due to the legislature by July 1, 2017. The Commissioner serves on the Commission.

*Section 193.* Establishes a special commission on behavioral health promotion and upstream prevention to investigate evidence-based practices, programs, and systems to prevent behavioral health disorders and promote behavioral health. The Commissioner serves on the Commission, which is required to file a report with the legislature within 2 years of its inception.