*****Massachusetts Department of***

***Elementary and Secondary Education***

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| Jeffrey C. Riley*Commissioner* |  |

# MEMORANDUM

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| **To:** | Members of the Board of Elementary and Secondary Education |
| **From:**  | Jeffrey C. Riley, Commissioner |
| **Date:**  | January 15, 2021      |
| **Subject:** | Report on Education-Related Laws of the 191st Legislative Session |

The following laws relating to the Department of Elementary and Secondary Education (Department/DESE) have been enacted during the two-year 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](https://malegislature.gov/Laws/SessionLaws/Acts/2019/Chapter124)

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, on 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](https://malegislature.gov/Laws/SessionLaws/Acts/2019/Chapter132)

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

Implementing the recommendations of the 2015 Foundation Budget Review Commission, the Student Opportunity 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

School Building Assistance Program Expense and Reimbursement Rate Review (Massachusetts School Building Authority)

**An Act to address challenges faced by municipalities and state authorities resulting from Covid-19**

[Chapter 53 of the Acts of 2020](https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter53)

Approved: 04/03/20

Section 14 of Chapter 53 allows retired persons from the commonwealth or a county, city, town, district, or authority to work extended hours during the state of emergency in the service of the commonwealth or a county, city, town, district, or authority.

**An Act to further address challenges faced by municipalities, school districts and state authorities resulting from Covid-19**

[Chapter 56 of the Acts of 2020](https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter56)

Approved: 04/10/20

* Section 6 grants the Board of Elementary and Secondary Education, upon the recommendation of the Commissioner, the authority to modify or waive the requirements of the competency determination for high school graduation to address disruptions caused by the COVID-19 pandemic
* Section 7 waives the state statutory requirement for the administration of the MCAS for the remainder of the 2019-2020 school year to address disruptions caused by the COVID-19 pandemic
* Section 8 addresses regional school district budget approval requirements due to disruptions caused by the COVID-19 pandemic
* Section 9 allows the Commissioner of Elementary and Secondary Education to set a deadline for the submission of 3-year district plans required by the Student Opportunity Act, Chapter 132 of the Acts of 2019, of May 15, 2020 or such later date that the Commissioner determines, to address disruptions caused by the COVID-19 pandemic.

**An Act relative to municipal governance during the** **Covid-19 emergency**

[Chapter 92 of the Acts of 2020](https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter92)

Approved: 06/05/20

* Sections 12 and 13 allow for the continuation of payments for school and education-related contracted services by public school districts and regional school districts despite disruptions in the rendering of those services if caused by the COVID-19 pandemic.
* Section 14 establishes an “emergency educator license” to address disruptions caused by the COVID-19 pandemic. “To be eligible to receive an emergency educator license, an individual must possess a bachelor’s degree and must have been prevented from completing the testing, demonstration of subject matter knowledge, coursework, or program requirements for an educator license as a result of the outbreak of COVID-19 or the March 10, 2020 declaration of a state of emergency. Emergency educator licenses shall be available only to individuals seeking their first Massachusetts academic and vocational teacher, specialist teacher, administrator, or professional support personnel license. Individuals shall identify the field and level of the license sought in their application to the commissioner. If the regulations of the board of elementary and secondary education require an underlying educator license, the emergency educator license shall be available in that field only to individuals who hold the underlying license.” Emergency educator licenses are valid through June 30, 2021 or such time determined by the Commissioner.

**An Act authorizing Old Rochester Regional School District to enter into renewable energy agreements**

[Chapter 112 of the Acts of 2020](https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter112)

Approved: 07/02/20

Old Rochester Regional School District is permitted to enter into a renewable energy lease agreement of up to 30 years for a portion of the property. [M.G.L. c. 71, §16](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section16)(r) already gives this contractual authority to regional and vocational schools with the Commissioner’s approval for up to 10 years and is a common occurrence.

**An Act regarding breakfast after the bell**

[Chapter 133 of the Acts of 2020](https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter133)

Approved: 08/04/20

An Act regarding breakfast after the bell amends M.G.L. c. 69, §1C to require certain public schools in Massachusetts to implement a breakfast delivery model that ensures that breakfast is available to students after the instructional school day has begun. Schools in this category shall implement a breakfast after the bell program by the beginning of the 2022 academic year. The schools impacted are those that enroll over 60% or more students who qualify for free or reduced-price meals under the National School Lunch Program. All of these schools are already mandated to offer breakfast, so serving breakfast won’t be new. A good portion of schools already converted to after the bell prior to this legislation as a result of outreach by DESE, Project Bread, and EOS Foundation pursuant to language in the school breakfast budget line-item in FY19 and FY20.

The Department of Elementary and Secondary Education (DESE) is required to: issue guidance and/or promulgate regulations to implement the program, and collect data from schools relative to breakfast after the bell participation to post publicly; develop and distribute a schedule by September 1, 2021 for districts to begin implementation of the breakfast program; and determine those public schools required to implement a breakfast after the bell program by December 31, 2021.

Finally, Chapter 133 establishes a waiver process by which a school may apply to DESE for a one-year waiver from the requirement to implement a breakfast after the bell program under two circumstances: the school had at least an 80% breakfast participation rate under a different model in the previous school year or can demonstrate extreme hardship preventing implementation. The Act specifies processes that public schools under one-year waivers will adhere to in reporting to DESE over the course of the waiver period.

**An Act financing the general governmental infrastructure of the commonwealth**

[Chapter 151 of the Acts of 2020](https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter151)

Approved: 08/07/20

Also known as the IT bond bill, Chapter 151 became a vehicle for funding initiatives made necessary by the ongoing COVID-19 pandemic including a $50M allocation for the Digital Connections Trust Fund (1599-7064), a matching grant program to improve instruction and assessments through IT.

EOE & DESE (in consultation with TSS) make grants to:

* establish, enhance or expand remote learning environments
* reimburse costs incurred by public schools or districts establishing, enhancing or expanding remote learning environments
* ensure fair and equitable access to technology across the commonwealth and to address the needs of vulnerable populations, including addressing barriers for students caused by disability, race or ethnicity, English learner status, low-income status

Also, EOE and DESE (in consultation with TSS) determine the criteria used to evaluate applications for the matching grant program to:

* promote access to broadband to public schools and districts as long as such criteria shall include, but not be limited to the commitment of the public school or district to
1. improve the efficiency and productivity of education through the use of technology, to deliver statewide online assessments,
2. provide student access to individualized and rigorous digital learning experiences, and
3. ensure that educators and administrators have the knowledge and skills to develop and implement digital learning curricula

**An Act relative to clean energy generation at the Essex North Shore Agricultural and Technical School**

[Chapter 154 of the Acts of 2020](https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter154)

Approved: 08/07/20

Essex North Shore Agricultural and Technical School is permitted to enter into a renewable energy lease agreement of up to 25 years for a portion of the property, subject to review and comment by the Inspector General, through an amendment to [Chapter 463 of the Acts of 2004](https://malegislature.gov/Laws/SessionLaws/Acts/2004/Chapter463), the school’s enabling statute. [M.G.L. c. 71, §16](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section16)(r) already gives this contractual authority to regional and vocational schools with the Commissioner’s approval for up to 10 years and is a common occurrence.

**An Act authorizing the Nauset Regional School District to enter into renewable energy agreements**

[Chapter 196 of the Acts of 2020](https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter196)

Approved: 10/23/20

Nauset Regional School District is permitted to enter into a renewable energy lease agreement of up to 30 years for a portion of the property, subject to review and comment by the Inspector General. [M.G.L. c. 71, §16](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section16)(r) already gives this contractual authority to regional and vocational schools with the Commissioner’s approval for up to 10 years and is a common occurrence.

**An Act relative to justice, equity and accountability in law enforcement in the Commonwealth**

[Chapter 253 of the Acts of 2020](https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter253)

Approved: 01/06/21

The final police reform bill includes the accepted amendments that the Governor made earlier in December 2020 to the originally enacted bill ([S2963](https://malegislature.gov/Bills/191/S2963)). An emergency preamble applies to all sections relative to School Resource Officers (SROs). The bill establishes:

* A Commission on the Status of African Americans that is tasked with, among other things, school to work activities for transition aged youth with disabilities (SECTION 1)
* An SRO Training Program developed by the Municipal Police Training Committee (SECTION 23)
* The Massachusetts peace officer standards and training commission to certify SROs (SECTION 30, Section 3 (b))
* Terms of information sharing between schools and law enforcement (SECTION 78)
* A model MOU and a model MOU review commission that the Commissioner co-chairs with the Secretary of Public Safety and Security and establishes protocol for assignment of SROs at the request of superintendents (SECTION 79)
* Waivers for SRO certification to 12/31/2021 in cases where already appointed when the act goes into effect (SECTION 109)
* Deadlines for the model MOU commission: meets by March 31, 2021 and finalizes report by February 1, 2022 for implementation in school year 2022-23 (SECTION 113)

**An Act enabling partnerships for growth**

[**H5250**](https://malegislature.gov/Bills/191/H5250) **– Conference Committee bill**

Enacted: 01/07/21

The 2020 Economic Development Bill was released from conference committee one day into the new legislative session and enacted (in part) in the House and Senate. Although technically now in the 192nd legislative session, it is included for timely informational purposes. As a bond bill, the allocations included are subject to approval for release by the Executive Office of Administration & Finance. The enacted bill includes:

* $10M earmark for community after-school and out-of-school providers
* $5M to the Mass Cultural Council for public school access, in consultation with DESE, to digital/remote cultural experiences
* $15M in competitive grants for CVTE (Career/Vocational Technical Education) expansion
* The establishment of a rural growth fund that ties in to supporting rural school aid

**2019 BUDGET LAWS**

**FY19 Supplemental Budget**

[Chapter 34 of the Acts of 2019](https://malegislature.gov/Laws/SessionLaws/Acts/2019/Chapter34)

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 extended through June 30, 2020.

**FY20 General Appropriations Act**

[Chapter 41 of the Acts of 2019](https://malegislature.gov/Laws/SessionLaws/Acts/2019/Chapter41)

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 FY20 General Appropriations Act (GAA) education spending by program areas. Our budget tracking spreadsheet shows detail for all Department appropriations.

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

1. **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.

1. **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.

1. **Program Changes**

The FY20 GAA 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 eliminated FY20 funding for the Mental Health and Substance Abuse Grant program (7061-0010), but the FY2019 funding balance was 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 eliminated spending for the Innovation Schools account ((7061-9011).

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

The FY20 GAA 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 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](https://malegislature.gov/Laws/SessionLaws/Acts/2019/Chapter142)

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).

**FY20 Supplemental Budget**

[Chapter 31 of the Acts of 2020](https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter31)

Approved: 03/04/20

Creates the reserve account (1595-0035) for the 21st Century Education Trust Fund established in section 1 of the Student Opportunity Act, Chapter 132 of the Acts of 2019. An allocation of $10,000,000 for “the purpose of addressing persistent disparities in achievement among student subgroups, improving educational opportunities for all students, sharing best practices for improving classroom learning and supporting efficiencies within and across school districts” was included in the supplementary budget law.

**An Act making appropriations for the fiscal year 2020 to authorize certain Covid-19 spending in anticipation of federal reimbursement**

[Chapter 124 of the Acts of 2020](https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter124)

Approved: 07/24/20

* Sections 9, 10 and 11 establish June 19th as Juneteenth Independence Day, a statewide holiday.
* Section 61 extends allowable expenditures from the METCO line-item, 7010-0012, in the FY20 budget through June 30, 2021.
* Section 62 extends allowable expenditures from the After-School Grant Program line-item, 7061-9611, in the FY20 budget through June 30, 2021.
* Section 88 extends allowable expenditures from the Mental Health and Substance Abuse Grants line-item, 7061-0010, in the FY20 budget through June 30, 2021.
* Section 89 extends allowable expenditures from the Grants for Hate Crime and Bias Prevention line-item, 7061-9815, in the FY20 budget through June 30, 2021.
* Section 98 creates the Massachusetts Coronavirus Relief Fund to hold revenues received by the commonwealth from the federal government pursuant to section 5001(a) of the federal Coronavirus Aid, Relief, and Economic Security Act, the CARES Act.

**FY20 Supplemental Budget**

[Chapter 201 of the Acts of 2020](https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter201)

Approved: (in part) 10/10/20

The November supplementary budget to FY20 increases the SPED Circuit breaker line-item, 7061-0012, by $11,910,774

**FY21 General Appropriations Act (GAA)**

[Chapter 227 of the Acts of 2020](https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter227)

Approved: 12/11/20

The FY21 General Appropriations Act (GAA) provides total state spending of $45.9 billion. The GAA provides total spending authority of $6.05 billion 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 13.15% of the total state budget and 1.43% growth over FY20 spending, an increase of $46.7 million (0.78%) above the Governor’s revised FY21 request (House 2), and $56.66 million (0.94%) lower than the Conference Committee Report.

The following summarizes the GAA’s education recommendations by program area. Our budget tracking spreadsheet shows detail for all Department appropriations.

The Governor vetoed funding for the following line items totaling $56.66 million.

* 7010-1194 Financial Literacy is reduced by $250K to $0
* 7010-1202 Computer Science Education is reduced by $1M to $0
* 7027-1004 English Language Acquisition is reduced by $987K to $3,546,372
* 7028-0031 Special Education in Institutional Settings is reduced by $750K to $7,680,007
* 7035-0035 AP Math and Science Programs is reduced by $400K to $2,892,809
* 7061-0029 School & District Accountability Reviews & Monitoring is reduced by $91K to $925,214
* 7061-9401 Assessment Consortium is reduced by $200K to $0

The Governor also vetoed 7061-0027 COVID and Student Support Grants by $52,985,000 but has filed a supplemental budget request for $53 million to prioritize more targeted measures to address COVID-related learning gaps.

1. **Education Local Aid & Reimbursements**

Chapter 70 aid (7061-0008) is increased by $107.6M (2.08%) over FY20 to $5.284B. This funding commitment includes Chapter 70 increases for inflation and enrollment that will keep all school districts at foundation, under the law as it existed for FY20. The inflation factor is 1.99% and statewide foundation enrollment decreased by 1,598 students or -0.17% compared to FY20. There are 113 operating districts that receive foundation aid. Economically disadvantaged enrollment continues to be used in lieu of free and reduced-price lunch data, which is no longer available for all districts as a result of districts' participation in the USDA's Community Eligibility Program.

The GAA has decreased Charter School Tuition Reimbursements (7061-9010) by $2.6M compared to the FY20 GAA (including $5M in supplemental funding) to $117.4M. Foundation tuition rates for Commonwealth charter schools are based on the same foundation budget rates used in Chapter 70. The facilities component of the tuition rate is held constant at FY20 levels, at $938 per pupil, with this cost fully reimbursed by the state as in prior years. The reimbursement formula for transitional aid to districts follows the change enacted by Section 38 of the FY20 budget, with an entitlement of 100% of any tuition increase in the first year, 60% in the second year, and 40% in the third year. Funding for first year reimbursements is prioritized first, followed by funding for second year reimbursements. The appropriation level in the GAA budget funds 75% of the most current FY21 projected tuition assessments.

Special Education Circuit Breaker reimbursement (7061-0012) is decreased by $2M (FY20 supplemental budget amount) to $345.15M.

The FY21 GAA budget has added a $1.1M increase to Regional School Transportation (7035-0006), $350K to Homeless Transportation (7035-0008), and $1.38M to METCO Program (7010-0012). Low-Income Student Supports (7061-0016) is not funded in the FY21 GAA.

1. **Literacy Account and English Language Acquisition**

The GAA does not support the House 2 proposed consolidation of the Literacy and English Language Acquisition accounts into a newly renamed English Acquisition and Literacy Programs account and has level funded 7010-0033 Literacy Programs (adjusted for earmark reductions) and 7027-1004 English Language Acquisition (adjusted for salary increases).

1. **Program Changes**

The GAA has not included any FY21 funding for these three initiatives: 1595-0035 21st Century Trust Fund, 7061-0010 Mental Health and Substance Abuse Grants, and 7061-9815 Grants for Hate Crime and Bias Prevention. However, some FY20 funding for those line items will continue into FY21 through a PAC (prior appropriation continued) provision.

The GAA also eliminates spending for 7010-1192 Educational Improvement Project Grants ($2.7 M reduction).

The FY21 GAA does not fund the Digital Literacy Now Grant (7010-1202) but directed a transfer of remaining funds from the Massachusetts Tech Collaboratives to this account in Outside Section 75.

For 7027-0019 Connecting Activities, the GAA increased funding to $6.4M, $938K over the FY20 GAA.

The FY21 GAA budget has an increase of $500K for Career and Technical Education Program (7035-0001) to $1.5M.

The GAA budget increases Adult Basic Education (7035-0002) to $46.4 million, a $5.3M increase over FY20.

7061-9406 College and Career Readiness is receiving a $175K increase over FY20 budget.

The GAA has increased the 7061-9408 Targeted Assistance by $1.5M to $14M.

7061-9412 Expanded Learning Time Grants is reduced by $4.66M to $9.3M in the FY21 GAA.

In the FY21 GAA, the Recovery High School Program (7061-9607) is funded at $2.7M, $400K less than FY20 GAA.

The GAA has added $2.75M to After-School Grant Programs (7061-9611) to $11.24M in FY21.

The GAA has increased Youthbuild Programs (7061-9626) by $600K to $3M.

7061-9812 Child Sexual Abuse Prevention is funded at $600K, a $375K reduction.

In the GAA, Rural School Aid (7061-9813) is funded at $3M, a $500K reduction.

The FY21 GAA has increased spending for 7061-9814 Summer Learning Grants by $500K to $1M.

DESE’s other accounts are level funded in the FY21 GAA budget with either the removal of legislative earmarks and/or changes in FY21 payroll costs.

1. **Education Related Outside Sections**
* Section 75 transfers the balance of funds appropriated to the Massachusetts Technology Park Corporation to the Department of Elementary and Secondary Education.
* Section 78 defines the Community Poverty Factor in the context of MSBA grants as the highest proportion of economically disadvantaged students in a given year between 2014 and present as determined by the Department of Elementary and Secondary Education.
* Section 95 requires districts using a remote or hybrid learning model track attendance and participation by employing a system to account for extended absences, district to family contact efforts, rates of chronic absenteeism.
* Section 105 establishes a special commission to study equity and access to telecommunications services including broadband internet for students and families. The Commissioner and the Secretary of Education serve on the special commission.
* Section 106 establishes a special legislative Early Education and Care Economic Review commission to review how childcare programming is funded in the commonwealth and to make recommendations for potential legislative changes in funding and related policies as the commission deems appropriate. The Commissioner of Elementary and Secondary Education serves on the commission.
* Section 110 directs the Department of Children and Families, in coordination with the Department of Elementary and Secondary Education, to report on statewide efforts taken since March 16, 2020 to monitor student attendance for children with active cases at the Department of Children and Families.