*****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:**  | August 10, 2022 |
| **Subject:** | FY23 General Appropriations Act (GAA) Budget |

On July 28th, the Governor signed the FY23 General Appropriations Act (GAA) into law. The law provides total spending authority of $7.18 billion for the Department of Elementary and Secondary Education, most of which goes to cities, towns, and school districts through Chapter 70 and other forms of education aid and reimbursements. This total represents 13.6% of the total state budget and 11.8% growth over FY22 spending, an increase of $242.2 million (3.5%) above the Governor’s FY23 request (House 2), $24.3 million (0.3%) above the House’s recommendation, and $154.5 million (2.2%) above the Senate’s recommendation.

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

1. **Education Local Aid & Reimbursements**

Chapter 70 aid (7061-0008 and 7061-0009) is increased by $494.9 million (9.0%) to $5.988 billion. The FY23 Chapter 70 program reflects the passage in November 2019 of An Act Relative to Educational Opportunity for Students, commonly known as the Student Opportunity Act (the Act). The Act makes significant changes to the Chapter 70 formula, based in large part on the recommendations of the Foundation Budget Review Commission (FBRC). The updated formula is also codified in Chapter 70 of the general laws.

*Statutory parameters*

The updated formula includes three parameters to be specified in each year’s general appropriations act. In the FY23 GAA budget, these are specified as follows:

* Total state target local contribution: 59%
* Effort reduction: 100%
* Minimum aid: $60 per pupil

*Foundation budget changes*

The Act establishes new, higher foundation budget rates in five areas: benefits and fixed charges, guidance and psychological services, special education out-of-district tuition, English learners, and low-income students, all to be phased in by FY27. For FY23, the rates have been increased by two-sixths of the gap between the rates in FY21—the base year used in the calculations—and the final target rates. The Act also increased the number of tiers used for the low-income increment rates from ten to twelve; districts with higher concentrations of low-income students benefit from higher rates.

In addition to these targeted rate increases, foundation budget categories are also increased to account for inflation. A new employee benefits inflation rate is applied to the employee benefits and fixed charges category. This is based on the enrollment-weighted, three-year average premium increase for all Group Insurance Commission plans; for FY23 the increase is 4.51%. An inflation rate of 4.50% is applied to all other foundation budget rates, based on the U.S. Department of Commerce’s state and local government price deflator and capped at the 4.50% maximum set in the Act. The Act does not set a maximum for the employee benefits inflation rate.

Statewide, foundation enrollment decreased from 907,506 in FY22 to 903,751 in FY23, a decrease of 3,755 or 0.4%. Foundation enrollment decreased for 153 districts, while 27 districts experienced enrollment increases of greater than five percent.

Finally, the formula’s minimum aid provision guarantees all districts receive at least the same amount of aid in FY23 as they did in FY22 plus at least $60 per pupil.

*Low-income and special education enrollment*

The Act reinstates the definition of low-income enrollment used prior to FY17, based on 185% of the federal poverty level. It replaces the economically disadvantaged designation (based on 133% of the federal poverty level) used from FY17 through FY22. For FY23, a district’s low-income enrollment is based on three eligibility categories:

* Students identified as participating in state public assistance programs, including the Supplemental Nutrition Assistance Program (SNAP), Transitional Aid to Families with Dependent Children (TAFDC), MassHealth, and foster care; or
* Students certified as low-income through the new supplemental data collection process; or
* Students reported by a district as homeless through the McKinney-Vento Homeless Education Assistance program application.

Statewide, low-income enrollment for FY23 is 407,501, compared to 382,088 in FY22, which included students matched through direct certification or an estimated student count based on FY16 low-income enrollment.

The Act also increases the assumed in-district special education enrollment to 5% for vocational students and 4% for non-vocational students. In FY23, these assumed rates have been increased by two-sixths of the gap to 4.86% and 3.86% respectively.

*Required local contributions*

The aggregate wealth model that has been used to determine local contribution requirements since FY07 and that is now codified in the Act remains in place. For municipalities with required contributions above their targets, the equity component of the formula sets their contributions at target.

Finally, pursuant to its codification in the Act, a provision introduced in the FY20 budget specifying a minimum required local contribution of 82.5% of foundation for any city or town with a combined effort yield greater than 175% of foundation is continued in FY23.

*Charter school tuition*

Foundation tuition rates for Commonwealth charter schools are based on the same foundation budget rates used in Chapter 70. The foundation budget rate increases being implemented in FY23 have been incorporated into our projected FY23 tuition rates. In addition, charter school low-income enrollment for FY23 has been identified using the same eligibility criteria used for districts. The facilities component of the tuition rate is $1,088 per pupil, up from $938 per pupil in FY22, with this cost fully reimbursed by the state as in prior years.

The reimbursement formula for transitional aid to districts reflects 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 Act requires 75% of the total state obligation to be funded in the first year, 90% in the second, and 100% in subsequent years. FY23 GAA includes a $243.8 million appropriation for these reimbursements (7061-9010). This appropriation level is expected to fund 100% of the state’s obligation when tuition assessments are updated to reflect actual enrollments and district spending levels. The projected assessments and reimbursements for charter tuition payments at this point in time can be useful for budget planning but should not be viewed as final numbers.

Special Education Circuit Breaker reimbursement (7061-0012) is increased by $67.7 million over the FY22 level to $441 million and accelerates the phase-in of a provision of the Student Opportunity Act to reimburse up to 75% of out-of-district special education transportation costs.

The FY23 GAA increases reimbursement for Homeless Transportation (7035-0008) over the FY22 level by $8.5M to $22.9 million.

1. **Program Changes**

The FY23 GAA includes additional funding for the following accounts:

* $500K for 1595-0115 Civics Project Trust Fund to $2M
* $1.5M for 7010-0012 METCO account to $28.5M
* $623K for 7010-0033 Consolidated Literacy account to $5.6M
* $1.1M for 7027-0019 School-To-Work Connecting Activities to $8.6M
* $4.2M for 7010-0020 Career Technical Partnership Grants (Innovation Pathways) to $4.8M
* $1M for 7035-0001 Career and Technical Education Program to $3.5M
* $10M for 7035-0002 Adult Basic Education to $60M
* $100K to 7035-0035 AP Math and Science Programs to $3.4M
* $110.1M to 7053-1925 School Breakfast Program to fund universal free lunch to $115M
* $109K for 7061-9607 Recovery Schools to $2.8M
* $300K for 7061-9611 After-School Program to $10.8M
* $89K for 7061-9612 Safe and Supportive Schools Grant Program to $600K
* $500K for 7061-9624 WPI Schools of Excellence to $2M
* $300K for 7061-9634 Mentoring Matching Grants to $1.5M
* $1.2M for 7061-9812 Child Sexual Abuse Prevention to $2.3M
* $1.5M for 7061-9813 Rural School Aid to $5.5M

The GAA has added 3 new line items for FY23:

* 1595-0116 Genocide Education Trust Fund at $1.5M
* 7061-0009 Minimum Pupil Aid at $9.7M
* 7061-9805 Educator Scholarship and Loan Repayment Program at $15M

The following account has received a reduction in the FY23 GAA:

* 7061-9412 Expanded Learning Time Grants is reduced by $230K to $5.9M

FY23 GAA eliminates spending for three accounts previously funded in FY22:

* 7061-0011 Foundation Reserve ($40M reduction)
* 7061-0027 COVID and Student Support Grants ($15M reduction)
* 7061-9809 School District Regionalization Grants ($500K reduction)

DESE’s other accounts are level funded in the FY23 GAA with either the addition/removal of legislative earmarks and/or changes in FY23 payroll costs.

The attached chart summarizes the FY23 GAA in comparison to our current and prior year’s appropriation history and identifies variances.

Please let us know if you have any questions or concerns. An education budget update and discussion will be on the agenda at the Board meeting on August 15th.

Attachment