*****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:** | February 22, 2023 |
| **Subject:** | Report on Education-Related Laws of the 192nd Legislative Session |

The following laws relating to the Department of Elementary and Secondary Education (Department/DESE) have been enacted during the 192nd Legislative Session (2021-2022). The laws are listed in chronological order of enactment.

**An Act relative to extending certain covid-19 measures adopted during the state of emergency**

[Chapter 20 of the Acts of 2021](https://malegislature.gov/Laws/SessionLaws/Acts/2021/Chapter20)

Approved: 6/16/21

[subsequently amended in Chapter 29 of the Acts of 2021, FY21 Supplemental Budget, and further amended in July 2022]

Section 20 allows remote participation by all members in any meeting of a public body and a quorum of the body and the chair shall not be required to be physically present at a specified meeting location.

(Note: On July 16, 2022, Governor Baker signed into law [An Act Relative to Extending Certain State of Emergency Accommodations](https://www.mass.gov/doc/chapter-107-acts-of-2022/download), which, among other things, extends the expiration of the provisions pertaining to the Open Meeting Law to March 31, 2023.)

**An Act promoting student nutrition**

[Chapter 62 of the Acts of 2021](https://malegislature.gov/Laws/SessionLaws/Acts/2021/Chapter62)

Approved: 10/14/21

Requires public schools in Massachusetts to implement the federal community eligibility provision (CEP) or provision 2 to provide universal free school breakfast and lunch to all students unless the implementation will result in financial hardship to the school or district in the following circumstances:

* The school or district has 60% or more low-income students.
* The school or district has 50% -60% low-income students unless the school committee votes to decline by June 1 or no longer has that number of qualifying students at the time of implementation as determined by the Department.

The law also requires:

* School nutrition directors to attend training on CEP provided by the Department.
* The Department to maximize the effectiveness of the direct certification process for determining low-income student percentages.
* Standardized notification, developed for districts by the Department, to families of student meal debt by districts.
* Implementation of a 30-day resolution period to determine if the student is categorically eligible for free or reduced-price meals, during which no meals shall be denied the student.
* Prohibits any action that would publicly identify the student as having meal-debt or resulting in exclusion of any activity or denial of official transcripts.

**An Act relative to post-retirement employment of public retirees**

[Chapter 67 of the Acts of 2021](https://malegislature.gov/Laws/SessionLaws/Acts/2021/Chapter67)

Approved: 10/21/21

Extends the hours per year that retired persons from the Commonwealth or a county, city, town, district, or authority can work in the service of the Commonwealth or a county, city, town, district, or authority from 960 hours to 1200 hours.

**An Act concerning genocide education**

[Chapter 98 of the Acts of 2021](https://malegislature.gov/Laws/SessionLaws/Acts/2021/Chapter98)

Approved:12/2/21

* Creates a Genocide Education Trust Fund (Trust Fund) for the purpose of educating middle and high school students on the history of genocide, administered by the Commissioner of Elementary and Secondary Education, and establishes a genocide education grant program about which DESE will report to the legislature annually regarding expenditures.
* Adds “genocide education programs” to M.G.L. chapter 69, section 1I, including it as one of the required instructional program descriptions that districts must report to DESE.
* Requires DESE to report to the legislature annually on the progress of genocide education for grantees under section 1 (e), the grant program established under the Trust Fund language.
* Adds definitions of “community-based organization” and “genocide” to M.G.L. chapter 71; mandates genocide instruction for all middle and high school students and allows partnerships with community-based organizations to attain these obligations; specifies that the instruction not be required every year of middle and high school; and requires DESE to provide access to quality curricula and professional development for genocide instruction to districts. This section takes effect during the 2022-2023 school year (Section 7).
* Directs funds from fines for violations of constitutional rights to the Trust Fund.
* Directs funds from fines for assault and battery for the purpose of intimidation to the Trust Fund.

**An Act relative to military spouse-licensure portability, education and enrollment of dependents**

[Chapter 154 of the Acts of 2022](https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter154)

Approved: 8/5/22

* Defines “military-connected student”; allows school districts to register such a student for enrollment based on military transfer orders without requiring a parent or guardian to appear first in person.
* Establishes a “Military spouse certificate” as a license to teach that the commissioner of education shall issue to a person who is the spouse of a service member with specific criteria.
* Directs that an unemancipated person whose parent or guardian is a member of the armed forces of the United States shall be considered a resident of the Commonwealth and a resident of the applicable school district.
* Establishes the designation criteria for Purple Star Campuses.

**An Act addressing barriers to care for mental health**

[Chapter 177 of the Acts of 2022](https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter177)

Approved: 8/10/22

On August 10, 2022, Governor Baker signed An Act Addressing Barriers to Care for Mental Health into law, which took effect on November 8, 2022. The provisions affecting K-12 education include:

* The establishment of an interagency review team for complex cases, comprised of the HHS, DESE, DMH, MassHealth, DDS, DYS, EOE, EEC, OCA and representation from the student case’s district. The team is charged with collaborating on complex cases where there is a need for urgent action to address the lack of consensus or resolution between state agencies about current service needs or placement of an individual.
* Subject to appropriation, establishment of a statewide program to assist districts in implementing equitable, linguistically, and culturally competent, developmentally appropriate behavioral health services and supports.
* District- and school-based emergency management plans must encompass behavioral health as well as physical health. DESE will update its [Model Medical Emergency Response Plan](https://www.doe.mass.edu/sfs/safety/model-emergency-plan.docx)to incorporate the required new elements.
* An amendment to the statute pertaining to suspension for nonserious offenses requires school authorities to consider and employ alternative remedies to reengage students in the learning process before suspending a student, except in specific documented circumstances. Alternative remedies include mediation, conflict resolution, restorative justice, and collaborative problem solving. It also calls for implementation of school- or district-wide models to re-engage students in learning.

Of interest but not under DESE purview, the law also establishes an Office of Behavioral Health Promotion within the Executive Office of Health and Human Services that will convene a student stakeholder advisory committee on mental health to work in collaboration with DESE to develop and implement school-based programs that promote student mental health.

**An Act driving clean energy and offshore wind**

[Chapter 179 of the Acts of 2022](https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter179)

Approved: 8/11/22

* Requires the executive office of labor and workforce development to provide the department of elementary and secondary education, annually, not later than February 1, a list of occupations in high-skill, high-demand industries in the Commonwealth that either require an industry-recognized certification or for which such certification will materially enhance a job applicant’s opportunities for employment or increased compensation
* Directs the executive office of labor and workforce development, in consultation with the department of elementary and secondary education, to make the list created pursuant to subsection (b) available to all school districts in the Commonwealth and post the list publicly on the executive office of labor and workforce development’s website.
* Defines an “Offshore wind organization” as a non-profit institution, adult and community learning service provider, labor organization, regional employment board, public or private higher education institution, vocational-technical education institution, designated port management agency or entity or other entity engaged in offshore wind development that is not an offshore wind company.
* Establishes a trust fund to be known as the Massachusetts Offshore Wind Industry Investment Trust Fund to provide funds for workforce training to prepare individuals for offshore wind careers at vocational technical education institutions for:
* the adoption of basic safety training and basic technical training programs
* the development, expansion and promotion of offshore wind professional certificate programs and courses tailored to careers in the offshore wind industry for students in associate and baccalaureate degree programs
* the sponsorship of award, scholarship and paid internship programs to support the education and training of individuals seeking careers in the offshore wind industry
* the development and coordination of secondary, vocational technical, and higher education programs related to the offshore wind industry
* Directs the department of elementary and secondary education, in consultation with the executive office of labor and workforce development, to develop and implement a pilot program for the purpose of helping students acquire academic and technical skills that will prepare them for high-skill, high-demand jobs in the Commonwealth in the offshore wind industry identified pursuant to section 23 of chapter 26 of the General Laws; provided, that programming shall include jobs in the offshore wind supply chain, including, but not limited to, manufacturing, construction, assembly, shipping and operations and maintenance, and any additional credentialed programming in support of the offshore wind industry.

**An Act relative to school operational efficiency**

[Chapter 198 of the Acts of 2022](https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter198)

Approved: 8/26/22

* Amends the public procurement statute to raise bid threshold for school districts to $100K.
* Clarifies school committees as the authorizing entity for local school transportation.
* Allows school districts to establish a School Transportation Reimbursement Fund in a separate municipal account.

**An Act relating to economic growth and relief for the Commonwealth (FORWARD)**

[Chapter 268 of the Acts of 2022](https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter268)

Approved (in part): 11/10/22

* Allocates $3M to HHS (in consultation with DESE) to administer school safety infrastructure grants and $2M in behavioral health related supports to mitigate school gun violence.
* Provides $1M in additional Early College funding.
* Includes $2.5M Computer Science instruction (EOE) and $2.5M Nursing workforce incentive (EOE).
* Extends the threshold for vocational technical schools’ lease options for additional facility space.

**An Act designating school custodian day**

[Chapter 326 of the Acts of 2022](https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter326)

Approved: 12/28/22

This student driven bill designates October 2 as School Custodian Day, in recognition of the dedicated contributions provided by school custodians to ensure children of the Commonwealth have clean, healthy and safe learning environments.

**FISCAL LAWS**

**FY22** **General Appropriations Act (GAA)**

[Chapter 24 of the Acts of 2021](https://malegislature.gov/Laws/SessionLaws/Acts/2021/Chapter24)

Approved: 7/16/21

The FY22 GAA provides total state spending of $47.6B. The law provides total spending authority of $6.423B 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 a 4.88% growth over FY21 spending, an increase of $163.16M (2.5%) above the Governor’s FY22 request (House 1), $25.7M (0.4%) above the House’s recommendation, and $43M (0.7%) above the Senate’s recommendation.

1. **Education Local Aid & Reimbursements**

Chapter 70 aid (7061-0008) is increased by $219.6M (4.2%) to $5.503B. The FY22 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 GAA 1, these are specified as follows:

* Total state target local contribution: 59%
* Effort reduction: 100%
* Minimum aid: $30 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. The rates have been increased by one-sixth of the gap between the FY2021 rates and the final target rates. The number of tiers for the low income increment rates is increased 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 have been 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 FY2022 the increase is 2.78%. An inflation increase of 1.41% has been applied to all other foundation budget rates, based on the U.S. Department of Commerce’s state and local government price deflator.

The combination of inflation, rate increases dictated by the Act, and the low income enrollment expansion increased statewide foundation budgets by $300 million or 2.58%, despite the impact of a statewide enrollment decline of 3.26%, due in part to the ongoing pandemic. Overall foundation enrollment decreased from 938,085 in FY2021 to 907,506 in FY2022, a decrease of 30,579 students. Foundation budgets declined for 147 operating districts, including 27 districts with declines of more than 5%.

The Act also adds a new minimum aid adjustment to the formula. This provides hold harmless aid to 16 operating school districts that would otherwise have higher aid levels if the Act were not implemented.

Finally, the formula’s minimum aid provision guarantees all operating districts receive at least the same amount of aid in FY2022 as they did in FY2021 plus at least $30 per pupil. Therefore, the enrollment changes and any associated foundation budget decreases did not yield less aid than in FY2021.

*Low income and special education enrollment*

The Act reinstates the definition of low income enrollment used prior to FY2017, based on 185% of the federal poverty level. It replaces the economically disadvantaged designation (based on 133% of the federal poverty level) used from FY2017 through FY2021. For FY2022, a district’s low income enrollment is the higher of: (a) the number of students matched through the Department’s current direct certification process (which identifies students whose families have been approved for various federal and state benefit programs) or (b) the district’s FY2016 low income percentage multiplied by its current foundation enrollment. Statewide low income enrollment for FY2022 is 382,088, including students matched through direct certification and estimated student counts based on FY2016, compared to 351,970 identified as economically disadvantaged in FY2021, which only includes students who were directly certified.

The Act also increases the assumed in-district special education enrollment to 5% for vocational students and 4% for non-vocational students. In FY2022, these assumed rates have been increased by one-sixth of the gap to 4.83% and 3.83%, respectively.

*Required local contributions*

The aggregate wealth model that has been used to determine local contribution requirements since FY2007 remains in place. Also, pursuant to its codification in the Act, a provision introduced in the FY2020 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 FY2022.

*Enrollment reserve fund*

The budget also includes a $40 million reserve fund (7061-0011) to address the impact that pandemic related enrollment loss had on state aid or transportation costs.

*Charter school tuition reimbursements*

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 FY2022 have been incorporated into our projected FY2022 tuition rates. In addition, charter school low income enrollment for FY222 has been calculated in a manner consistent with the methodology used for districts. The facilities component of the tuition rate is held constant at FY2021 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 (7061-9010) reflects the change enacted by Section 38 of the FY2020 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. The budget includes $151.7 million appropriation for these reimbursements, which is expected to meet or exceed the 75% requirement when tuition assessments are updated to reflect actual enrollments and district spending levels.

Special Education Circuit Breaker reimbursement (7061-0012) is increased by $28.18M over the FY21 level to $373.3M.

The FY22 GAA budget added a $2.3M increase for METCO Program (7010-0012), $1M increase each for Homeless Transportation (7035-0008) and Rural School Aid (7061-9813).

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

The FY22 GAA increased funding for 7010-0033 Literacy Programs by $2.54M to $5M and level funded the 7027-1004 English Language Acquisition line item.

1. **Program Changes**

The FY22 GAA budget eliminates spending for the 7010-1202 Computer Science Education/Digital Literacy NOW ($1M reduction) but provides a one-time transfer of $1.49M from the Massachusetts Technology Park Corporation to continue the work in FY22.

The GAA funded the 1595-0035 21st Century Education Trust Fund at $5M and the 1595-0115 Civics Project Trust Fund at $1.5M.

7010-1192 Education Improvement Project Grants is funded at $7.2M for various earmarks.

The FY22 GAA budget includes a $500K increase for 7010-1193 Civics Education Programs.

For 7027-0019 Connecting Activities, the FY22 GAA funds it at $7.5M, $1.1M more than the FY21 budget.

The FY22 GAA added two new line items:

* 7027-0020 $600K for Innovation Pathways Programs
* 7061-0028 $6M for Social Emotional Learning Grants

The FY22 GAA also:

* includes an increase of $1M for Career and Technical Education Program (7035-0001) to $2.5M;
* increases Adult Basic Education (7035-0002) to $50M, a $3.6M increase over FY21;
* includes $15M for 7061-0027 COVID and Student Support Grants to reimburse costs for summer school and other summer programming to remedy student learning loss;
* adds a $500K increase to 7061-9200 Education Data Services to $1.08M;
* increases 7061-9401 Assessment Consortium by $350K to $550K;
* increases 7061-9408 Targeted Assistance by $923K to $15M;
* reduces 7061-9412 Expanded Learning Time Grants by $3.1M to $6.2M;
* adds an increase of $200K to 7061-9634 Mentoring Matching Grants;
* increases 7061-9812 Child Sexual Abuse Prevention by $500K to $1.1M;
* funds 7061-9815 Grants for Hate Crimes and Bias Prevention at $400K.

**FY21 Supplemental Budget**

[Chapter 29 of the Acts of 2021](https://malegislature.gov/Laws/SessionLaws/Acts/2021/Chapter29)

Approved: 7/29/21

* Section 57 amends Section 20 of chapter 20 of the acts of 2021 (relating to the Open Meeting Law) by striking out subsection (b) and inserting in place thereof the following subsection:-

(b)  Notwithstanding section 20 of chapter 30A of the General Laws or any general or special law to the contrary, a public body, as defined in section 18 of said chapter 30A, shall not be required to conduct its meetings in a public place that is open and physically accessible to the public; provided, however, that if the public body does not conduct the meeting in a public place that is open and physically accessible to the public, the public body shall ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means of public access. Where active, real-time participation by members of the public is a specific requirement of a general or special law, regulation or a local ordinance or by-law, pursuant to which the proceeding is conducted, any adequate, alternative means of public access shall provide for such participation and shall be sufficient to meet such participation requirement.

(Note: [An Act Relative to Extending Certain State of Emergency Accommodations](https://www.mass.gov/doc/chapter-107-acts-of-2022/download), signed into law in July 2022, among other things, extends the expiration of the provisions pertaining to the Open Meeting Law to March 31, 2023.)

* Section 58 allows the Department to establish an alternative means of demonstrating English language proficiency for the state seal of biliteracy for students in the class of 2020 or 2021, which may include, but is not limited to, earning the modified competency determination in English language arts.
* Section 59 directs that the list of districts in the lowest 10 per cent of all statewide student performance scores released in fiscal year 2020 shall be maintained as that list for fiscal years 2021, 2022 and 2023.

**FY21 Supplemental Budget**

[Chapter 76 of the Acts of 2021](https://malegislature.gov/Laws/SessionLaws/Acts/2021/Chapter76)

Approved: 10/20/21

* Allocates $20M for grants to Massachusetts approved special education schools to address the impacts of COVID-19
* Section 18 extends the deadline for the final report from the special commission established in Section 105 of [Chapter 227 of the Acts of 2020](https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter227) to study equity and access to telecommunications services

**An Act relative to immediate covid-19 recovery needs (ARPA)**

[Chapter 102 of the Acts of 2021](https://malegislature.gov/Laws/SessionLaws/Acts/2021/Chapter102)

Approved: 12/14/21

This law allocates federal ARPA funds in the form of new reserve accounts funding several K-12 programs, among them:

* $100M grant program for public school district ventilation/air quality
* $25M earmarked for vocational and other public school programs in the Workforce and CTE Training reserve (1599-2037)

The law also allocates:

* Additional $10M to 7061-0012 for special education compensatory services
* Additional $10M to 7010-0005 for teacher diversity programs
* $1M for a farm-to-school grant.

In addition, it revives the special commission to study and report on childhood vision and eye health, the special commission to study and make recommendations concerning the long-term fiscal health of rural school districts, and the special commission on telecommunications equity.

**FY22 Supplemental Budget**

[Chapter 22 of the Acts of 2022](https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter22)

Approved: 2/12/22

* Allocates $50M to the Department of Public Health and the Executive Office of Health and Human Services to assist in the safe reopening of schools, including novel coronavirus tests in schools; on site testing locations (1599-0080)
* Allocates $25M for the acquisition and distribution of protective masks for schools (1599-0767)
* Waives statutory employment hours restriction for state retirees
* Extends remote participation in public meetings

**FY22 Supplemental Budget**

[Chapter 42 of the Acts of 2022](https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter42)

Approved (in part): 4/1/22

* Allocates $140M for grants to approved private special education schools to address impacts of the novel coronavirus (1599-0766)
* Allocates $700M for continuing novel coronavirus testing, including school-aged children
* Allows the Commissioner of Elementary and Secondary Education to issue emergency educator licenses to individuals for a period of 180 days after the termination of the May 28, 2021 declaration of a state of emergency pursuant to section 2A of chapter 17 of the General Laws

**FY23 General Appropriations Act (GAA)**

[Chapter 126 of the Acts of 2022](https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter126)

Approved: 7/28/22

On July 28, 2022, 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.

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 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 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 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.

**General Governmental Infrastructure**

[Chapter 140 of the Acts of 2022](https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter140)

Approved: 8/4/22

* Allocates $100M for a competitive grant program to be administered by the executive office of education, in consultation with the executive office of housing and economic development and the executive office of labor and workforce development, to provide funding for the purchase and installation of equipment and related improvements and renovations to facilities necessary for the installation and use of such equipment, to establish, upgrade and expand career technical education and training programs that are aligned to regional economic and workforce development priorities.