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SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Reading is hereby authorized to incorporate the two million four hundred thousand dollars property tax override voted by the town on March twenty-third, nineteen hundred and ninety-three into the preliminary tax commitment for fiscal year nineteen hundred and ninety-four.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1993.

Chapter 70. AN ACT RELATIVE TO THE TRI-COUNTY REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the commissioner of education shall in fiscal years nineteen hundred and ninety-four and nineteen hundred and ninety-five, respectively, certify and, subject to appropriation, the state treasurer shall pay, in accordance with sections twelve to fifteen, inclusive, of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, to the Tri-County Regional Vocational Technical School District, the sum of eight hundred and twenty-two thousand dollars, in accordance with the school construction grant on account of approved school project number 1960; provided, however, that to the extent that any audit of said project's expenses by the bureau of school facilities and management services in the department of education reveals any overpayment to said district on account of said project, the amount of any such overpayment shall be repaid to the commonwealth by said district, through the deduction of one-tenth of any such amount from total state educational assistance annually provided for such district, until any such amount has been repaid in full. The district shall not be liable for the payment of interest on any such amount found owing to the commonwealth.

Approved June 16, 1993.

Chapter 71. AN ACT ESTABLISHING THE EDUCATION REFORM ACT OF 1993.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for the improvement of public education in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The last paragraph of section 25 of chapter 10 of the General Laws,

added by section 2 of chapter 461 of the acts of 1991, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Revenue from the lotteries for the arts shall be distributed in accordance with the provisions of section fifty-seven; provided, however, that the comptroller shall transfer in April of each year six hundred thousand dollars therefrom to the children's trust fund established in section fifty.

SECTION 2. Chapter 15 of the General Laws is hereby amended by striking out section 1F, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 1F. The board of education shall by a two-thirds vote of all its members appoint a commissioner of education, in this chapter called the commissioner, and may in its discretion by majority vote of all its members remove him. He shall be the secretary to the board, its chief executive officer and the chief state school officer for elementary and secondary education. The position of commissioner shall be classified in accordance with section forty-five of chapter thirty, and the salary shall be determined in accordance with section forty-six C of said chapter thirty.

SECTION 3. Said chapter 15 is hereby further amended by striking out section 1G, as most recently amended by section 1 of chapter 414 of the acts of 1992, and inserting in place thereof the following section:-

Section 1G. There shall be established advisory councils to the board in the following areas: early childhood education; life management skills and home economics; educational personnel; fine arts education; gifted and talented education; math and science education; racial imbalance; parent and community education and involvement; special education; bilingual education; technology education; vocational-technical education; global education; and comprehensive interdisciplinary health education and human service programs.

The members of these councils shall serve without compensation but may be reimbursed subject to appropriation for expenses necessarily and reasonably incurred in the performance of their responsibilities. Each council shall be composed of members who shall be recommended by the commissioner and appointed by the board and who shall not, by virtue of their membership, be deemed state employees under chapter two hundred and sixty-eight A. Members shall be appointed for a term of three years. No member shall serve for more than two consecutive terms. The members serving on such councils may be school committee members, school superintendents, professional educators, parents or students. A reasonable balance of members representing business, labor, civic, educational, parental and professional groups shall be maintained. Members serving on such councils shall represent a reasonable geographic balance.

The members of the council on education personnel shall have demonstrated scholarship, creativity, or distinguished service in education, and shall be broadly representative of all areas of public education.

The members of the council on technology education shall have demonstrated scholarship or creativity in, or distinguished service to technology education, and shall be broadly represented in all areas of technology education in the comprehensive school.

The council on global education shall include the directors of each of the bay state

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centers for global education.

The members of the council on math and science education shall have demonstrated scholarship or creativity in, or distinguished service to science or mathematics, and shall be broadly representative of all areas of science and mathematics.

The advisory council on early childhood education shall include a member representing private early childhood education providers.

There shall be twelve voting members of the advisory council for special education, six of whom shall be parents of children with special needs. The commissioners of the departments of mental health, mental retardation, public health and public welfare shall each appoint a representative to serve as ex officio members of the advisory council for special education. At all times the makeup of the advisory council for special education shall comply with requirements of federal law. There shall be twelve voting members of the advisory council for bilingual education, six of whom shall be parents of bilingual students.

The advisory council for comprehensive interdisciplinary health education and human service programs shall consist of at least fifteen, but shall not exceed thirty, members who represent school counseling professionals, health home economics educators, child and adolescent health service providers, teachers, parents, high school students, school administrators and officials, and the departments of welfare, public health, mental health, youth services, social services, the office for children, a suicide prevention specialist, a substance abuse specialist, a youth programming expert and a member of the clergy.

The duties of the advisory council on vocational-technical education shall be performed by the state council on vocational education as constituted under federal vocational-technical education law. The state council on vocational-technical education shall also advise the board on school to work policies. The board may appoint up to three additional members to this council and such members' responsibilities shall be limited to duties required under this statute only.

The commissioner, with the approval of the board, shall appoint the chair of each council. The commissioner or his designee shall serve as the secretary to each council.

Each council shall make other programmatic recommendations as it deems necessary to fulfill the goals established by the board.

The commissioner, with the approval of the board, may establish such other advisory groups as deemed necessary to assist in developing educational plans or programs to advance the purposes of the department.

SECTION 4. Section one H of said chapter fifteen is hereby repealed.

SECTION 5. Section one K of said chapter fifteen is hereby repealed.

SECTION 6. Sections one M to one Q, inclusive, of said chapter fifteen are hereby repealed.

SECTION 7. Sections one S and one T of said chapter fifteen are hereby repealed.

SECTION 8. Section four A of said chapter fifteen is hereby repealed.

SECTION 9. Sections six B and six C of said chapter fifteen are hereby repealed.

SECTION 10. Sections forty-six to fifty-one, inclusive, of said chapter fifteen are

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hereby repealed.

SECTION 11. Section fifty-three of said chapter fifteen is hereby repealed.

SECTION 12. Section fifty-six of said chapter fifteen is hereby repealed.

SECTION 13. Sections sixty-one and sixty-two of said chapter fifteen are hereby repealed.

SECTION 14. Chapter 15A of the General Laws is hereby amended by striking out section 2, as appearing in section 7 of chapter 142 of the acts of 1991, and inserting in place thereof the following section:-

Section 2. There shall be an advisory committee on education policy, hereinafter called the committee, consisting of the executive committees of the board of education and the higher education coordinating council. The committee shall have the following powers and duties:

(a) to study and report on issues common to higher education and to public early childhood, elementary, secondary, or vocational-technical schools;

(b) to serve as a forum for discussion between the lay boards responsible for overseeing public education in the commonwealth;

(c) to serve as a public forum for discussion of general education goals for the commonwealth;

(d) to develop goals for a coordinated system from early childhood through higher education at the university level, and make recommendations to appropriate boards or groups relative to such;

(e) to build public support and understanding of education;

(f) to encourage and facilitate partnerships between and among public early childhood, elementary, secondary, and vocational-technical schools with institutions of higher learning;

(g) to articulate, through study and discussions, the vital connection between high quality public education and future economic growth and development in the commonwealth;

(h) to encourage and facilitate partnerships between schools and businesses to improve the delivery of educational services;

(i) to articulate goals for accountability and high standards of quality for the entire system of education in the commonwealth, in consultation with parents, students, educators, business representatives, community officials and the public at-large;

(j) to advise the governor, the general court, and the secretary of education, relative to any issue within its purview; and,

(k) to encourage contributions and grants to schools from businesses, foundations, or any other viable and appropriate funding source.

The committee may utilize subcommittees of the full committee to accomplish any of the duties required of it. Nothing in this section shall be construed to grant the committee any authority vested in the board of education or the higher education coordinating council.

The committee shall be chaired by the secretary of education.

The committee shall meet at least four times annually and at other times at the call

of the chairman of the board of education, the chairman of the higher education coordinating council, or the secretary of education.

SECTION 15. The second paragraph of section 3 of said chapter 15A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The secretary shall advise the governor on matters relating to public education, and shall coordinate public education programs from early childhood through the university level by chairing the advisory committee on educational policy and by serving on the board of education and the higher education coordinating council.

SECTION 16. Said section 3 of said chapter 15A is hereby further amended by striking out the third paragraph, as amended by section 209 of chapter 133 of the acts of 1992, and inserting in place thereof the following paragraph:-

The secretary shall have the following powers and duties:

(a) to serve as the governor's advisor on educational issues and represent the interests of education in the governor's cabinet, and report to the governor on the activities of public education from early childhood through the university level;

(b) to analyze the present and future goals, needs and requirements of public education in the commonwealth and recommend to the board of education and the higher education coordinating council comprehensive goals necessary to achieve a well-coordinated system of high achievement in public education in the commonwealth;

(c) to serve as a voting member of the board of education and the higher education coordinating council, and as a member of the executive committee of each of these bodies;

(d) to seek, accept, establish and administer grants, gifts, awards, and trusts for public education from foundations, corporations, individuals, and federal agencies, and develop guidelines as needed for the disbursement of such funds in accordance with applicable law and pursuant to the terms of the grant, gift, award or trust; provided, however, that these powers shall exist concurrently with similar powers exercised by the board of education and the higher education coordinating council;

(e) to articulate the need for public support of education and to assist in building that support;

(f) to receive and review requests for state appropriations from the board of education and higher education coordinating council, and forward said requests along with such recommendations as he deems appropriate to the secretary of administration and finance and the senate and house committees on ways and means;

(g) to prepare an annual master plan for public education;

(h) to release to the public annually, on September first, a report on the condition of public early childhood, primary and secondary schools in the commonwealth, based on the department of education school and district profiles and the assessment results required by section one I of chapter sixty-nine, and on the condition of higher education in the commonwealth;

(i) to promulgate rules and regulations appropriate to fulfilling the responsibilities of the executive office.

SECTION 17. Said chapter 15A is hereby further amended by inserting after

section 3 the following section:-

Section 3A. A statewide educational technology plan, to be known as Massachusetts education-on-line, shall be developed by the Massachusetts corporation for educational telecommunication, hereinafter referred to as MCET. Said educational technology plan shall incorporate the following goals:

(a) the implementation and integration of technology into teaching and learning in public schools, including, but not limited to, the establishment of a statewide telecommunications and technology link among public college and university campuses and school districts through the use of computer and communications technology;

(b) the facilitation of the implementation of a statewide professional development plan for teachers, principals, and superintendents using distance learning in coordination with the commissioner of education; and,

(c) the increased involvement of parents, guardians, mentors or other volunteers with their students' education by utilization of distance learning.

For the purposes of this section, said educational technology plan shall be broadly construed to include, but not be limited to, programs, courses, and capital expenditures including computer hardware and software, networks, television, satellite transmissions, fiber optics cable, calculators and video and audio tapes. Subject to appropriation, MCET may provide grants to universities, colleges, schools and school districts for the purposes of purchasing the equipment and other materials necessary for the implementation of said educational technology plan. The MCET executive director, in consultation with the secretary of education, may establish such advisory groups or committees as he deems necessary for the development and implementation of said educational technology plan.

SECTION 18. The first paragraph of section 4 of said chapter 15A is hereby amended by striking out the first sentence, as amended by section 1 of chapter 222 of the acts of 1991, and inserting in place thereof the following three sentences:- The higher education coordinating council, hereinafter referred to as the council, shall be composed of eleven voting members, consisting of the secretary of education, ex officio, and ten members appointed by the governor, reflecting regional geographic representation, one of whom shall be a student currently enrolled in a state-funded institution of higher education. The commissioner of education shall serve as a nonvoting member. The secretary shall serve as a voting member of the board but shall not serve as chairperson of the board.

SECTION 19. The second paragraph of said section 4 of said chapter 15A, as amended by section 2 of said chapter 222, is hereby further amended by striking out the last sentence and inserting in place thereof the following three sentences:- The chairperson of the council, who shall be appointed by the governor, shall notify the governor and the secretary whenever such vacancy exists. Six members, exclusive of the commissioner, shall constitute a quorum, and the affirmative vote of six members shall be necessary for any action taken by the council. The council shall have an executive committee and such other committees as the council may from time to time establish.

SECTION 20. Section 6 of said chapter 15A, as appearing in section 7 of chapter 142 of the acts of 1991, is hereby amended by striking out the first paragraph and

inserting in place thereof the following paragraph:-

The council shall, upon its formation, and whenever a vacancy may occur, by a two-thirds vote of all its voting members appoint a chancellor of the system of public higher education, hereinafter called the chancellor, and may in its discretion by a majority vote of all its members remove him. He shall be the secretary to the council and its chief executive officer and the chief school officer for higher education. The chancellor shall be responsible for carrying out the policies established by the council.

SECTION 21. The first paragraph of section 15 of said chapter 15A, as so appearing, is hereby amended by adding the following sentence:- Said statement shall also be transmitted to the secretary of education.

SECTION 22. Said chapter 15A is hereby further amended by inserting after section 19 the following section:-

Section 19A. There shall be a student loan repayment program known as the attracting excellence to teaching program, for the purpose of encouraging outstanding students to teach in the public schools of the commonwealth by providing financial assistance for the repayment of qualified education loans, as defined below. The program shall be administered by the secretary of education in accordance with guidelines promulgated by the higher education coordinating council. The program shall be subject to appropriation.

The term "qualified education loan" shall mean any indebtedness including interest on such indebtedness incurred to pay tuition or other direct expenses incurred in connection with the pursuit of an undergraduate or graduate degree by an applicant, but shall not include loans made by any person related to the applicant.

The council shall promulgate guidelines governing the attracting excellence to teaching program. These guidelines shall include the following provisions:

(1) eligibility for the program shall be limited to persons who have graduated in the top quarter of their undergraduate classes, as certified by the institution attended by the applicant;

(2) eligibility shall be limited to persons entering the teaching profession after July first, nineteen hundred and ninety-four;

(3) the commonwealth shall repay a participating teacher's student loan at a rate not to exceed one hundred and fifty dollars per month for a period not to exceed forty-eight months;

(4) repayment shall be made to the participating teacher annually upon the presentation by the participating teacher of satisfactory evidence of payments under the loan;

(5) payments by the commonwealth shall cover only loan payments made by the participating teacher in the months during which the participating teacher teaches in public school in the commonwealth;

(6) the program may or may not be limited to teachers who teach in school districts designated by the board of education;

(7) the program shall set forth an affirmative action policy and specific annual affirmative action goals. The council shall annually publish a report detailing its efforts to publicize the loan repayment program in order to advance the goals of this affirmative action

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policy and its success in meeting those goals.

Expenses for administration of the program may be retained in an interest bearing trust fund to be established by the secretary and expended for the costs of administering the program without further appropriation, and any funds remaining in the trust fund at the termination of the program shall be returned to the General Fund.

SECTION 23. Said chapter 15A is hereby further amended by adding the following section:-

Section 39. A qualified student enrolled in a public secondary school may enroll as a student in Massachusetts public institutions of higher education. The student shall earn both secondary school and college credits. Students may enroll either full time or for individual courses. The secretary in consultation with the council and the board of education, shall define which students may qualify for this program, establish criteria for admission, and otherwise administer this program.

SECTION 24. Section 27C of chapter 29 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following subsection:-

(h) This section shall apply to regional school districts and educational collaboratives organized pursuant to section four E of chapter forty, to the same extent as it applies to cities and towns. A regional school district may accept a law, rule or regulation by vote of its school committee, and an educational collaborative by vote of its board of directors.

SECTION 25. Said chapter 29 is hereby further amended by inserting after section 31D the following section:-

Section 31E. Notwithstanding any general or special law to the contrary, a state employee, during working hours and at such times as are approved by his supervisor and in accordance with regulations promulgated hereunder, may, without loss of salary, provide voluntary services at a public elementary, secondary or vocational-technical school to assist the improvement of a student's or school's educational program; provided, however, that said voluntary services do not exceed seven hours per week. There shall be no requirement that the employee have a child as a student in the school or school district. Said services shall not be compensated by a school.

SECTION 26. Section 3C of chapter 60 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the first three paragraphs and inserting in place thereof the following three paragraphs:-

Any city or town which accepts the provisions of this section or has previously accepted chapter one hundred and ninety-four of the acts of nineteen hundred and eighty-six is hereby authorized, subject to the approval of the commissioner, to design and designate a place on its municipal tax bills, or the motor vehicle excise tax bills, or to mail with such tax bills a separate form, whereby the taxpayers of said city or town can voluntarily check off, donate and pledge an amount not less than one dollar or such other designated amount which shall increase the amount otherwise due, and to establish a city or town scholarship fund, the purpose of which shall be to provide educational financial aid to deserving city and town residents in accordance with this section and to establish a city or town educational fund, the purpose of which shall be to provide supplemental educational funding for local

educational needs.

Any amounts donated to the scholarship fund or educational fund shall be deposited into a special account in the general treasury and shall be in the custody of the treasurer. The treasurer shall invest said funds at the direction of the officer, board, commission, committee or other agency of the city or town who or which is otherwise authorized and required to invest trust funds of the city or town and subject to the same limitations applicable to trust fund investments, except as otherwise specified herein. Interest earned upon such fund shall remain therewith and shall be used for the purpose of said fund without further appropriation.

In any city or town establishing a scholarship fund, there shall be a scholarship committee and educational fund committee to consist of the superintendent of the city or town schools or designee thereof, and no fewer than four residents of the city or town appointed by the board of selectmen to a term of three years. The scholarship committee or educational fund committee shall select the recipients of and amounts of financial aid from the scholarship fund and educational fund and shall be guided by any criteria established by the scholarship committee or educational fund committee subject to any ordinance or by-law and further subject to the following criteria:

(a) The recipients of financial aid must be residents of the city or town at the time the financial aid is first awarded and have been accepted to pursue education beyond the secondary school level at an institution deemed accredited by the committee.

(b) The committee shall take into consideration each recipients financial need, character, scholastic record and involvement in community work as well as extracurricular school activities.

SECTION 27. Chapter 69 of the General Laws is hereby amended by striking out section 1, as so appearing, and inserting in place thereof the following section:-

Section 1. It is hereby declared to be a paramount goal of the commonwealth to provide a public education system of sufficient quality to extend to all children the opportunity to reach their full potential and to lead lives as participants in the political and social life of the commonwealth and as contributors to its economy. It is therefore the intent of this title to ensure: (1) that each public school classroom provides the conditions for all pupils to engage fully in learning as an inherently meaningful and enjoyable activity without threats to their sense of security or self-esteem, (2) a consistent commitment of resources sufficient to provide a high quality public education to every child, (3) a deliberate process for establishing and achieving specific educational performance goals for every child, and (4) an effective mechanism for monitoring progress toward those goals and for holding educators accountable for their achievement.

SECTION 28. Said chapter 69 is hereby further amended by striking out section 1A, as so appearing, and inserting in place thereof the following section:-

Section 1A. There shall be a department of education, hereinafter called the department, which shall be under the supervision and management of a commissioner of education, hereinafter called the commissioner. Said commissioner shall be appointed pursuant to section one of chapter fifteen and shall devote full time to the duties of the office.

The commissioner, with the approval of the board of education, hereinafter called the

board, shall establish such bureaus and other offices and employ such staff and consultants as may be necessary for the proper and efficient administration of the department.

The commissioner shall propose a budget to the board; said budget shall reflect the goals and objectives of the board. Upon approval by the board, the commissioner shall submit the department's budgetary proposals simultaneously to the house and senate committees on ways and means, the joint committee on education, arts and humanities, and to the secretary of education, who shall review and transmit said budget to the secretary of administration and finance.

The commissioner shall analyze the present and future goals, needs and requirements of public early childhood, elementary, secondary and vocational-technical education in the commonwealth and recommend to the board comprehensive means to achieve a well-coordinated system of high achievement in public education in the commonwealth.

The commissioner shall prepare a five year master plan for public early childhood, elementary, secondary, and vocational-technical education in the commonwealth. The master plan shall include, but not be limited to, enrollment projections, utilization of existing facilities, promotion of research, programmatic excellence, community service activities and community school activities, recommendations for the construction or acquisition of new facilities, program distribution and the need for program revision, including the termination of absolute or unnecessarily duplicative programs. Said master plan along with an annual progress report shall reflect the goals and standards established by the board.

The commissioner shall receive reports, undertake research, and facilitate coordination among and between school districts.

The commissioner shall assist school districts in the development of school based management systems. Such assistance shall focus on the implementation of participatory management systems involving all school based professionals, parents, and on the secondary level, students.

The commissioner shall encourage and facilitate the adoption of regional districts to improve the delivery of a quality public education in an economical manner. The commissioner shall encourage and facilitate the use of existing, or the formation of new, educational collaboratives to foster interdistrict cost effective purchasing, management collaboration, sharing of resources and other multipurpose educational activities.

The commissioner shall facilitate partnerships of public early childhood, elementary, secondary and vocational-technical schools with civic, conservation, business, cultural and labor organizations, and with institutions of higher education particularly through the development of regional teacher centers and the expansion of the Bay State centers for global education, to enhance educational programs.

The commissioner shall assess the effectiveness and monitor the improvement of the public schools in each district, including charter schools.

The commissioner shall assess current programs of alternative education and shall develop a statewide action plan to expand and improve the delivery of alternative education programs.

The commissioner shall recommend, to the board, changes necessary to the

competency determination as appropriate to reflect evolving notions of vocational education.

The commissioner shall appoint independent fact-finding teams to assess the reasons for a school or school district's under-performance under sections one J and one K, and shall assess the prospects for school district improvement. The commissioner shall also supervise the receiver of a school district declared to be chronically under-performing under said sections one J and one K, and shall provide technical assistance to a school or school district deemed under-performing or chronically under-performing pursuant to said sections one J and one K.

The commissioner shall initiate the process for selecting a list of impartial arbitrators as provided in sections thirty-eight, forty-one and forty-two of chapter seventy-one and, upon receipt of a request for review pursuant thereto, the commissioner shall provide the names of three arbitrators as provided therein.

SECTION 29. *Said chapter 69 is hereby further amended by inserting after section 1A the following eleven sections:-*

Section 1B. The board shall establish policies relative to the education of students in public early childhood, elementary, secondary and vocational-technical schools. The board shall be the state agency responsible for the administration of vocational education and the supervision of the administration thereof by local educational agencies.

For the purposes of this section the term "local educational agency" shall mean any agency which has administrative control and direction of a vocational education program funded in whole or in part by federal funds.

The board shall establish standards for certifying all teachers, principals, and administrators in public early childhood, elementary, secondary and vocational-technical schools, as provided in and subject to section thirty-eight G of chapter seventy-one.

The board shall promote the implementation of participatory management systems involving school based personnel and school councils.

The board shall provide technical assistance, curriculum, materials, consultants, support services and other services to schools and school districts, to encourage programs for gifted and talented students.

The board shall publish profiles of each public elementary and secondary school and school district in the commonwealth, providing information concerning student achievement of performance goals, school spending, special programs, curriculum offerings, qualifications of teaching staff, and other information which may be pertinent to teachers, parents, students, and elected officials regarding the performance of said schools and school districts. These profiles shall be in a form readily comprehensible by the general public and shall permit meaningful comparisons among individual schools and school districts. The board also shall identify those schools and school districts that are particularly successful in improving the performance of the students whom they serve and shall undertake to analyze and publish the strategies employed by such schools and districts for the purpose of recognizing the efforts of the educators involved and of encouraging the replication, where appropriate, of their successful strategies. In producing said profiles and review of successful strategies, the board shall have access to all information gathered by the secretary of education and the

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joint committee on education of the general court, which may be relevant to the production of said profiles and review. The board shall release its report annually on or before the thirtieth day of June, and shall make said report available to the public.

The board may withhold state and federal funds from school committees which fail to comply with the provisions of law relative to the operation of the public schools or any regulation of said board authorized in this section.

The board shall see to it that all school committees comply with all laws relating to the operation of the public schools and in the event of noncompliance the commissioner of education shall refer all such cases to the attorney general for appropriate action to obtain compliance.

The board shall establish the standards for the recognition of high achievement by students and school districts.

The board shall establish the process and standards for declaring a school or school district to be "under-performing" or "chronically under-performing" in accordance with the provisions of this chapter.

The board shall review and approve federal grant applications for public early childhood, elementary, secondary and vocational-technical schools and may develop guidelines as needed for the disbursement of such funds in accordance with law. The board shall be the approving authority for all federal educational grants and programs to be undertaken by public early childhood, elementary, secondary and vocational-technical schools in the commonwealth. The board shall be the state education agency for purposes of federal law.

The board shall establish guidelines for establishing systems of personnel evaluation, including teacher performance standards. Public school districts in the commonwealth shall be encouraged to develop programs and standards which provide for a more rigorous and comprehensive evaluation process. Said guidelines shall be reviewed at least every other school year.

The board shall seek, accept, establish and administer grants, gifts, awards, and trusts for public early childhood, elementary, secondary and vocational-technical education from foundations, corporations, individuals and federal agencies, and develop guidelines as needed for the disbursement of such funds in accordance with applicable law and pursuant to the terms of the grant, gift, award or trust.

The board shall establish the criteria to define areas with a high number of low-income children for purposes of the school breakfast program, the early childhood program and any other program focused on low-income children.

The board shall establish minimum standards for all public early childhood, elementary, secondary and vocational-technical school buildings, subject to the provisions of the state building code. The board shall establish standards to ensure that every student shall attend classes in a safe environment.

The board shall, in coordination with local school districts, improve the management and efficiency of public early childhood, elementary, secondary and vocational-technical schools and school districts.

The board shall encourage the collaboration between local school districts, vocational-technical school districts, and regional employment boards to prepare students for the employment needs of the region.

The board shall establish a policy to ensure that, so far as practical, school districts distribute financial resources equitably among all schools in the district.

The board shall establish maximum pupil-teacher ratios for classes in public elementary and secondary schools.

The board shall establish the permissible and mandatory ages for school attendance and shall consider the advisability of raising the minimum age for attendance in the first grade to the national average age for such attendance.

The board shall carry out its responsibilities with a view toward increasing the accountability and effectiveness of public early childhood, elementary, secondary and vocational-technical schools and school districts for the performance of the students they serve.

The board shall establish such other policies as it deems necessary to fulfill the purposes of this chapter and chapters fifteen, seventy, seventy-one A, seventy-one B, and seventy-four. In accordance with the provisions of chapter thirty A, the board may promulgate regulations as necessary to fulfill said purposes. Said regulations shall be promulgated so as to encourage innovation, flexibility and accountability in schools and school districts.

The board shall establish an executive committee and such other committees as it may from time to time deem necessary.

Section 1C. The board shall establish minimum nutritional standards for all school food services in all public early childhood, elementary, secondary, and vocational-technical schools. The board shall require all public schools to make lunches available to children. Standards and regulations of the board promulgated pursuant to this paragraph shall be adopted in the following manner. A copy of such regulations and standards shall be filed by the board with the clerk of the house of representatives and of the senate who shall refer such regulations and standards to the joint committee on education, arts and humanities of the general court for review. Within thirty days after such filing, said committee shall hold a public hearing on the regulations and standards, shall issue a report, and file a copy thereof with the board of education. The board shall adopt final regulations and standards making such revisions in the interim regulations and standards as it deems appropriate in view of such report and shall forthwith file a copy of the regulations and standards with chairpersons of said committee of the general court and not earlier than thirty days after the date of such filing, the board shall file the final regulations and standards with the state secretary and the said regulations shall thereupon take effect.

The board shall further require all public schools which draw their attendance from areas with a high number of needy children, as defined by the board, to make school breakfast programs available to children, and to operate such programs in accordance with the federal laws and regulations pertaining to school breakfast programs. Such breakfast programs shall be made available to children who do not qualify for free or reduced price breakfast under federal income eligibility guidelines at a price to each such child which is

not less than the cost to the school of making such breakfast available to such child. The commonwealth shall reimburse each city or town required by this paragraph to make school breakfast programs available to children who qualify for free or reduced price meals pursuant to federal income eligibility guidelines, at a uniform rate determined pursuant to the following paragraph, which rate shall provide for the payment by the commonwealth of the reasonable costs of making breakfast available to such children, reduced by the amount of revenue received by the city or town from federal reimbursements or any other source with respect to the provision of such breakfasts. The department shall make said reimbursements in accordance with the same schedule as federal reimbursements are made to the city or town with respect to such breakfast programs.

The secretary for administration and finance shall convene a working committee made up of his own designee, a designee of the Massachusetts school committee association and a designee of the Massachusetts school business managers association, a designee of the commissioner of education and a designee of the local government advisory committee to establish guidelines for the purposes of reimbursing cities and towns for the reasonable costs associated with the implementation of school breakfast programs pursuant to the preceding paragraph. Such guidelines shall be filed by the working committee with the clerk of the house of representatives and senate only upon approval of said committee. Reimbursements of costs made pursuant to such guidelines shall constitute complete satisfaction of the obligation of the commonwealth to assume such costs pursuant to any general or special law.

Section 1D. The board shall establish a set of statewide educational goals for all public elementary and secondary schools in the commonwealth.

The board shall direct the commissioner to institute a process to develop academic standards for the core subjects of mathematics, science and technology, history and social science, English, foreign languages and the arts. The standards shall cover grades kindergarten through twelve and shall clearly set forth the skills, competencies and knowledge expected to be possessed by all students at the conclusion of individual grades or clusters of grades. The standards shall be formulated so as to set high expectations of student performance and to provide clear and specific examples that embody and reflect these high expectations, and shall be constructed with due regard to the work and recommendations of national organizations, to the best of similar efforts in other states, and to the level of skills, competencies and knowledge possessed by typical students in the most educationally advanced nations. The skills, competencies and knowledge set forth in the standards shall be expressed in terms which lend themselves to objective measurement, define the performance outcomes expected of both students directly entering the workforce and of students pursuing higher education, and facilitate comparisons with students of other states and other nations.

The standards shall provide for instruction in at least the major principles of the Declaration of Independence, the United States Constitution, and the Federalist Papers. They shall be designed to inculcate respect for the cultural, ethnic and racial diversity of the commonwealth and for the contributions made by diverse cultural, ethnic and racial groups to the life of the commonwealth. The standards may provide for instruction in the funda-

mentals of the history of the commonwealth as well as the history of working people and the labor movement in the United States. The standards may provide for instruction in the issues of nutrition, physical education, AIDS education, violence prevention, and drug, alcohol and tobacco abuse prevention. The board may also include the teaching of family life skills, financial management and consumer skills, and basic career exploration and employ-ability skills. The board may also include in the standards a fundamental knowledge of technology education and computer science and keyboarding skills; the major principles of environmental science and environmental protection; and an awareness of global education and geography. The board may set standards for student community service-learning activities and programs. The board may also institute a process for drawing up additional standards in other areas of education.

Academic standards shall be designed to avoid perpetuating gender, cultural, ethnic or racial stereotypes. The academic standards shall reflect sensitivity to different learning styles and impediments to learning. The board shall develop procedures for updating, improving or refining standards, but shall ensure that the high quality of the standards is maintained. A copy of said standards shall be submitted to the joint committee on education, arts, and humanities at least sixty days prior to taking effect. The standards shall also include criteria for three determinations or certificates as follows:

(i) The "competency determination" shall be based on the academic standards and curriculum frameworks for tenth graders in the areas of mathematics, science and technology, history and social science, and English, and shall represent a determination that a particular student has demonstrated mastery of a common core of skills, competencies and knowledge in these areas, as measured by the assessment instruments described in section one I. Satisfaction of the requirements of the competency determination shall be a condition for high school graduation. If the particular student's assessment results for the tenth grade do not demonstrate the required level of competency, the student shall have the right to participate in the assessment program the following year or years. Students who fail to satisfy the requirements of the competency determination may be eligible to receive an educational assistance plan designed within the confines of the foundation budget to impart the skills, competencies and knowledge required to attain the required level of mastery. The parent, guardian or person acting as parent of the student shall have the opportunity to review the remedial plan with the student's teachers. Nothing in this section shall be construed to provide a parent, guardian, person acting as a parent or student with an entitlement to contest the proposed plan or with a cause of action for educational malpractice if the student fails to obtain a competency determination.

(ii) The "certificate of mastery" shall be based upon a determination that the recipient has demonstrated mastery of a comprehensive body of skills, competencies and knowledge comparable to that possessed by accomplished graduates of high school or equivalent programs in the most advanced education systems in the world. The criteria for a certificate of mastery may incorporate a number of factors which may include, but not be limited to, any of the following: high school graduation standards, superior performance on advanced placement tests administered by the educational testing service, and demonstrated

excellence in areas not reflected by the state's assessment instruments, such as artistic or literary achievement. Eligibility for potential receipt of a certificate of mastery shall extend to all secondary students residing in the commonwealth.

(iii) The "certificate of occupational proficiency" shall be awarded to students who successfully complete a comprehensive education and training program in a particular trade or professional skill area and shall reflect a determination that the recipient has demonstrated mastery of a core of skills, competencies and knowledge comparable to that possessed by students of equivalent age entering the particular trade or profession from the most educationally advanced education systems in the world. No student may receive said certificate of occupational proficiency without also having acquired a competency determination.

Nothing in this chapter shall prohibit a student from beginning a program of vocational education before achieving a determination of competency. Such vocational education may begin at grade nine, ten or eleven. No provision of law shall prohibit concurrent pursuit of a competency determination and vocational learning. There shall be no cause of action for a parent, guardian or student who fails to obtain a competency determination, a certificate of mastery or a certificate of occupational proficiency.

Subject to appropriation, the board shall establish a grant program which shall award grants to school districts for the costs associated with establishing advanced placement courses. The board shall promulgate regulations defining the standards of eligibility and other implementation guidelines.

Subject to appropriation, the board shall establish an advanced placement test fee grant program which shall award grants to school districts for the reimbursement of application fees for students based on financial need in order to assist students with paying the fee for advanced placement tests. The board shall promulgate regulations defining the standards of eligibility and other implementation guidelines for this program.

Section 1E. The board shall direct the commissioner to institute a process for drawing up curriculum frameworks for the core subjects covered by the academic standards provided in section one D. The curriculum frameworks shall present broad pedagogical approaches and strategies for assisting students in the development of the skills, competencies and knowledge called for by these standards. The process for drawing up and revising the frameworks shall be open and consultative, and may include but need not be limited to classroom teachers, parents, faculty of schools of education, and leading college and university figures in both subject matter disciplines and pedagogy. In drawing up curriculum frameworks, those involved shall look to curriculum frameworks, model curricula, content standards, attainment targets, courses of study and instruction materials in existence or in the process of being developed in the United States and throughout the world, and shall actively explore collaborative development efforts with other projects, including but not limited to the national New Standards Project. The curriculum frameworks shall provide sufficient detail to guide and inform processes for the education, professional development, certification and evaluation of both active and aspiring teachers. They shall provide sufficient detail to guide the promulgation of student assessment instruments. They shall be constructed to guide and assist teachers, administrators, publishers, software

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developers and other interested parties in the development and selection of curricula, textbooks, technology and other instructional materials, and in the design of pedagogical approaches and techniques for early childhood programs and elementary, secondary and vocational-technical schools. The board may review and recommend instructional materials which it judges to be compatible with the curriculum frameworks.

Frameworks shall be designed to avoid perpetuating gender, cultural, ethnic or racial stereotypes. The frameworks shall reflect sensitivity to different learning styles and impediments to learning. The board shall develop procedures for updating, improving or refining said curriculum frameworks. A copy of said frameworks shall be submitted to the joint committee on education, arts and humanities at least sixty days prior to taking effect.

Section 1F. The board shall set standards for vocational-technical education and programs for school-to-work transition. The board shall give particular emphasis for setting standards for the integration of academic and vocational education and to the progress in educating students for all aspects of a chosen industry.

The board shall assess progress in the areas of integration of academic and vocational education, and education for all aspects of an industry by assessing curriculum plans, staffing patterns, and other factors the board deems pertinent to said assessment.

The board shall, subject to appropriation, establish demonstration grants to develop alternative education program models. Said grants shall be awarded to public or public/private entities in an effort to design programs for students who may be identified as having difficulty achieving a certificate of initial mastery, and which assist students in achieving said certificate or moving directly into the work force.

The board shall, subject to appropriation, establish a grant program to create job compacts for communities to coordinate summer and after school employment opportunities for students. Eligible districts shall demonstrate private sector participation in the compact which helps to provide work opportunities for students.

The board shall, with the assistance of the higher education coordinating council and subject to appropriation, establish grants for technology preparation programs. Said grants shall be available to all public secondary schools in the commonwealth and public institutions of higher education for the purposes of improving collaboration between secondary and post-secondary technology programs.

The board shall, with the assistance of the higher education coordinating council and subject to appropriation, establish four demonstration grants to consortia of vocational schools, comprehensive secondary schools, and community colleges to promote further collaboration between grades nine through twelve and higher education institutions.

Section 1G. The board shall establish the minimum length for a school day and the minimum number of days in the school year.

Section 1H. Notwithstanding any general or special law to the contrary, the department, in coordination with other state agencies, shall develop a comprehensive system, subject to appropriation, for the delivery of adult basic education and literacy services that will ensure opportunities leading to universal basic adult literacy and better employment opportunities. Said system shall be designed to strengthen, enhance, and where needed, to

create intensive community based literacy programs for AFDC recipients and other unemployed and marginally employed adults who need a foundation of basic skills to qualify for further education, job training and employment. These trainees shall include parents of young child-ren who need strong basic skills to move their families out of poverty and raise the education-al aspirations of their children.

Said system shall also include instruction for immigrants, migrants, and refugees who need English language and literacy skills to function effectively at home and in the workplace. Instruction to the aforesaid populations will emphasize instruction at the lowest grade levels.

Said system shall further include instruction for young persons, aged sixteen through twenty-four, who have dropped out of school without sufficient skills to qualify for employment. Instruction shall be designed with emphasis on linking education with vocational training and supported work.

The department shall distribute grants, subject to appropriation, to provide comprehensive literacy services, including support services, in the context of adults' daily lives in their communities, including, but not limited to, public housing, schools, the work place, correctional institutions, community-based organizations, community colleges, libraries, and in social and cultural organizations.

The department shall endeavor to develop the following objectives: (1) a full continuum of services that take an adult from the lowest level of literacy or English language proficiency through high school completion leading to advanced education and training; (2) a network of self-trained, full-time adult literacy and English as a second language professional instructors, qualified to provide high quality effective services; (3) a strong documentation and evaluation capacity that will enable the state to determine what methods of instruction and what means of service delivery are most effective in educating adults; and (4) coordinated accountability mechanisms that simplify existing reporting and refunding processes.

Section 11. The board shall adopt a system for evaluating on an annual basis the performance of both public school districts and individual public schools. With respect to individual schools, the system shall include instruments designed to assess the extent to which schools and districts succeed in improving or fail to improve student performance, as defined by student acquisition of the skills, competencies and knowledge called for by the academic standards and embodied in the curriculum frameworks established by the board pursuant to sections one D and one E in the areas of mathematics, science and technology, history and social science, English, foreign languages and the arts, as well as by other gauges of student learning judged by the board to be relevant and meaningful to students, parents, teachers, administrators, and taxpayers.

The system shall be designed both to measure outcomes and results regarding student performance, and to improve the effectiveness of curriculum and instruction. In its design and application, the system shall strike a balance among considerations of accuracy, fairness, expense and administration. The system shall employ a variety of assessment instruments on either a comprehensive or statistically valid sampling basis. Such instruments shall be

criterion referenced, assessing whether students are meeting the academic standards described in this chapter. As much as is practicable, especially in the case of students whose performance is difficult to assess using conventional methods, such instruments shall include consideration of work samples, projects and portfolios, and shall facilitate authentic and direct gauges of student performance. Such instruments shall provide the means to compare student performance among the various school systems and communities in the commonwealth, and between students in other states and in other nations, especially those nations which compete with the commonwealth for employment and economic opportunities. The board shall take all appropriate action to bring about and continue the commonwealth's participation in the assessment activities of the National Assessment of Educational Progress and in the development of standards and assessments by the New Standards Program.

In addition, comprehensive diagnostic assessment of individual students shall be conducted at least in the fourth, eighth and tenth grades. Said diagnostic assessments shall identify academic achievement levels of all students in order to inform teachers, parents, administrators and the students themselves, as to individual academic performance. The board shall develop procedures for updating, improving or refining the assessment system.

The assessment instruments shall be designed to avoid gender, cultural, ethnic or racial stereotypes and shall recognize sensitivity to different learning styles and impediments to learning. The system shall take into account on a nondiscriminatory basis the cultural and language diversity of students in the commonwealth and the particular circumstances of students with special needs. Said system shall comply with federal requirements for accommodating children with special needs. All potential English proficient students from language groups in which programs of transitional bilingual education are offered under chapter seventy-one A shall also be allowed opportunities for assessment of their performance in the language which best allows them to demonstrate educational achievement and mastery. For the purposes of this section, a "potential English proficient student" shall be defined as a student who is not able to perform ordinary class work in English; provided, however, that no student shall be allowed to be tested in a language other than English for longer than three consecutive years.

The commissioner is authorized and directed to gather information, including the information specified herein and such other information as the board shall require, for the purposes of evaluating individual public schools, school districts, and the efficacy and equity of state and federal mandated programs. All information filed pursuant to this section shall be filed in the manner and form prescribed by the department.

Each school district shall maintain individual records on every student and employee. Each student record shall contain a unique and confidential identification number, basic demographic information, program and course information, and such other information as the department shall determine necessary. Said records shall conform to parameters established by the department.

Each school district shall file a report with the department every year by a date and in a format determined by the board. Said report shall include, but not be limited to, the following:

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- (a) an outline of the curriculum and graduation requirements of the district;
- (b) pupil/teacher ratios and class size policy and practice;
- (c) teacher and administrator evaluation procedures;
- (d) statistics, policies, and procedures relative to truancy and dropouts;
- (e) statistics, policies, and procedures relative to expulsions and in-school and out-of-school suspensions;
- (f) percent of school-age children attending public schools;
- (g) racial composition of teaching and administrative staff;
- (h) enrollment and average daily attendance;
- (i) the annual budgets and expenditures for both the district and the individual schools in the district.

Each school district shall file a description of the following instructional procedures and programs with the department every year:

- (a) art and music programs;
- (b) technology education;
- (c) programs for gifted and talented students;
- (d) adult education programs;
- (e) library and media facilities;
- (f) condition of instructional materials including textbooks, workbooks, audio-visual materials, and laboratory materials;
- (g) types and condition of computers and computer software;
- (h) basic skills remediation programs;
- (i) drug, tobacco and alcohol abuse programs;
- (j) technology education;
- (k) multi-cultural education training for students and teachers; and
- (l) global education.

Each school district shall furnish to the department in a timely manner such additional information as the department shall request.

Each school district required to provide a program in transitional bilingual education pursuant to chapter seventy-one A shall file the following information with the department every year:

- (a) the type or types of transitional bilingual education programs provided;
- (b) with regard to children of limited English speaking ability (i) the number enrolled in each type of transitional bilingual education program; (ii) the number enrolled in English as a second language courses who are not enrolled in a program in transitional bilingual education; (iii) the results of basic skills, curriculum assessment, achievement and language proficiency testing, whether administered in English or in the native language; (iv) the absentee, suspension, expulsion, dropout and promotion rates;
- (c) the number of students each year who have enrolled in institutions of higher education and were formerly enrolled in a program in transitional bilingual education;
- (d) the academic progress in regular education of students who have completed a program in transitional bilingual education;

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(e) for each child of limited English speaking ability receiving special education, the number of years in the school district prior to special education evaluation and the movement in special education programs by program prototype;

(f) the number of limited English proficient students enrolled in programs of occupational/vocational education;

(g) the name, national origin, native language, certificates held, language proficiency, grade levels and subjects taught by each bilingual or English as a second language (ESL) teacher, bilingual aides or paraprofessionals, bilingual guidance or adjustment counselors, and bilingual school psychologists;

(h) the per pupil expenditures for each full time equivalent (FTE) bilingual program student;

(i) the sources and amounts of all funds expended on bilingual program students, broken down by local, state and federal sources and whether any such funds expended supplanted, rather than supplemented, the local school district obligation; the participation of parents through parent advisory councils; and

(j) whether there were any complaints filed with any federal or state court or administrative agency, since the program's inception, concerning the compliance with federal or state minimum legal requirements, the disposition of each such complaint, and the monitoring and evaluation of any such agreement or court order relative to such complaint.

Said information shall be filed in the form of the total for the school district as well as as categorized by school, grade and language.

Section 1J. The board shall establish regulations defining when a school or school district has chronically failed to improve the educational program provided to students served by the school or district. Such regulations shall be consistent with the goals and standards adopted by the board and the basis for the determination of chronic failure shall include, but not be limited to, the evaluations performed pursuant to section one I. The regulations adopted by the board shall take into account the turnover of students in particular schools and districts.

Schools that have consistently failed to improve the academic performance of their students shall be deemed under-performing, in accordance with the board's regulations. Upon determination that a school is under-performing, the commissioner shall immediately appoint an independent fact-finding team which shall forthwith assess the reasons for the under-performance and the prospects for improvement and report its findings to the commissioner and the district in which the school is located no later than ninety days from the date of its appointment. No more than six months after the determination that a school is under-performing, the district in which the school is located shall present to the board a remedial plan that shall set forth specific goals for improvement, specific means for attaining such goals, and a timetable, not to exceed twenty-four months, for carrying out the plan. The district shall implement said remedial plan, with such changes or amendments as the board shall direct. During the period of implementation, the commissioner shall provide to the school technical assistance for the improvement of the educational program provided to the students served therein.

If the school fails to demonstrate significant improvement as dictated by its remedial plan within twenty-four months after the approval of its remedial plan, the board may declare the school to be chronically under-performing. Upon a determination that a school is chronically under-performing, the following steps may be taken:

(1) The principal of the school shall be immediately removed and shall not be assigned to the school for the following school year unless the board finds that the principal did not play a significant role in the under-performance of the school;

(2) The superintendent may designate a new principal for the school. Any principal of a chronically under-performing school shall have such extraordinary powers, including the power to dismiss, in accordance with paragraph (4), any teacher or other employee assigned to the school without regard to the procedures set forth under sections forty-one and forty-two of chapter seventy-one or the provisions of any collective bargaining agreement. Such dismissed teachers shall otherwise retain such rights as may be provided under law or any applicable collective bargaining agreement, except that they shall not have the right to displace any teacher in any other school;

(3) In order to recruit and retain talented personnel, the commissioner may make available funds, subject to appropriation, to permit the superintendent during the period of remediation to increase the salary of any principal or teacher assigned to the school by not more than one percent for every ten percent of the enrollment of the chronically under-performing school comprised of low-income students, as that term is used in chapter seventy;

(4) If the school does not receive funding from the district at least equal to the average per pupil funding received for students of the same classification and grade level in the district, the district shall provide additional funding sufficient to bring funding for that school to such level;

(5) Such other actions determined by the board of education, to be reasonably calculated to increase the number of students attending the school who satisfy the student performance standards.

A principal appointed to a chronically under-performing school may dismiss a teacher with professional teacher status for good cause, provided that the teacher has received five school days written notice of the decision to terminate. The teacher with professional teacher status may seek review of a termination decision within five school days after receiving notice of his termination by filing a petition for expedited arbitration with the commissioner. An arbitrator shall be selected according to the procedures set forth in section forty-two of chapter seventy-one. In reviewing dismissal decisions, the arbitrator shall consider the chronic under-performance of the school to the degree that such under-performance is not due to factors beyond the control of the teacher, and the arbitrator shall consider any report from the fact-finding team that evaluates the teacher's performance. The arbitrator's decision shall be issued within ten school days from the completion of the hearing.

Section 1K. Upon a determination by the board pursuant to regulations adopted by the board that a school district has consistently failed to improve the performance of students attending school in the district, the commissioner shall appoint an independent fact-finding team to assess the reasons for the under-performance and the prospects for improvement.

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Upon review of the conclusions of the fact-finding team, the board may declare the district chronically under-performing. Following such a declaration, the board shall designate a receiver for the district with all the powers of the superintendent and school committee. The receiver shall report directly to the commissioner.

If a municipality has failed to fulfill its fiscal responsibilities to education under chapter seventy, the commissioner shall recommend to the board that the district be declared chronically under-performing. The municipality's mayor or chairman of the board of selectmen shall have the opportunity to present evidence to the board. A vote by the board that a school district is chronically under-performing for fiscal reasons shall authorize the commissioner to petition the commissioner of revenue to require an increase in funds for the school district, alleging that the amount necessary in said community for the support of public schools has not been included in the annual budget appropriations. The commissioner of revenue shall determine the amount of any deficiency pursuant to the sums required under chapter seventy, if any, and issue an order compelling the community to provide a sum of money equal to such deficiency. If the community does not provide a sum of money equal to such deficiency, the commissioner of revenue, in accordance with his powers in section twenty-three of chapter fifty-nine, shall not approve the tax rate of the community for the fiscal year until the deficiency is alleviated. This section shall not be construed to create a cause of action for educational malpractice by students or their parents, guardians or persons acting as parents.

At any time after the imposition under this section or section one J of extraordinary measures at any school or of a receiver for any district, the school committee of the affected district, acting on the recommendation of the superintendent, may petition the commissioner for a determination whether such measures or receivership should be modified or eliminated and whether the school or school district is no longer chronically under-performing. A school district may seek review by the board of any adverse determination. The determination of the board shall be subject to judicial review in accordance with the provisions of section fourteen of chapter thirty A.

Section 1L. Subject to appropriation, the board shall establish a comprehensive interdisciplinary health education and human service discretionary grant program. Funds for this program may be appropriated from the Health Protection Fund established by section two T of chapter twenty-nine. Comprehensive interdisciplinary health education and human service programs shall include, but not be limited to, planning and coordination activities, curriculum development, in-service training components for all school staff, in-service education, instruction, school counseling services, health service delivery, promotion of knowledge of child development and appropriate care, effective parenting skills for parents and adolescents, and parent education services which will promote improved home based learning, the prevention of substance abuse, tobacco use, family violence, child abuse and neglect, teenage pregnancy and eating disorders, AIDS and suicide, and promote sound health practices including nutritional health and emotional development, improved school counseling services, early intervention services for high risk students, peer counseling and education, incentives for participation by students of both sexes, and increased coordination

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between schools, parents and existing community services, especially for those students most in need. As the primary educators of their children, parents shall play a substantial role in the design, development and implementation of programs and curriculum.

Instruction in health education shall include, but shall not be limited to, consumer health, ecology, community health, body structure and function safety, nutrition, fitness and body dynamics, dental health, emotional and character development, promotion of self-esteem skills, AIDS/HIV prevention education in accordance with policies or regulations of the board, and training in the administration of first aid, including cardiopulmonary resuscitation.

The board shall solicit proposals for comprehensive interdisciplinary health education and human service programs for students in grades kindergarten through twelve, inclusive. Applications shall include evidence of a district-wide needs assessment and planning processes, program objectives and activities, anticipated results, and evaluation plan, and proposed linkages with community health and human service agencies and existing school programs. Proposals which describe linkages with other health and human service agencies and existing programs under chapter one hundred and eighty-eight of the acts of nineteen hundred and eighty-five which provide matching funds from local, federal and private sources shall be given priority.

Each school committee shall appoint an advisory council consisting of parents, junior and senior high school students, teachers, school counseling professionals, health and home economic educators, health professionals, school administrators, and representatives of community or regional health or social service agencies and representatives of local religious organizations.

Funds may be granted to a school district to provide for program coordinators, in-service training and program materials. It shall not be the primary focus of programs to finance various school-based clinics.

If the board rejects a proposal of a school committee under this section, then the board shall provide the respective school committee with a written explanation for rejection. The written explanation for rejection shall state the reasons for the rejection and suggest recommendations for resubmission.

Programs and services provided by this program shall supplement, not supplant, programs and services provided under chapters seventy-one A, seventy-one B, and seventy-four. At least fifty percent of said funds shall be allocated to programs serving low-income sites, as determined by the board. No more than ten percent of said funds shall be allocated for state administration of the program.

Notwithstanding any general or special law to the contrary, any grant funds distributed under this program shall be deposited with the treasurer of the city, town or regional school district and held in a separate account and shall be expended by the school committee without further appropriation.

The board, through the department, shall administer the discretionary grant program, provide technical assistance to school districts, including information about model programs and agency services, provide for program review and evaluation, and, in consultation with

the members of the state advisory council, develop program guidelines for coordinated service delivery and shall establish standards against which programs may be judged for efficiency and effectiveness.

SECTION 30. Section three of said chapter sixty-nine is hereby repealed.

SECTION 31. Section thirty-five of said chapter sixty-nine is hereby repealed.

SECTION 32. The General Laws are hereby further amended by striking out chapter 70 and inserting in place thereof the following chapter:-

CHAPTER 70.

SCHOOL FUNDS AND STATE AID FOR PUBLIC SCHOOLS.

Section 1. It is the intention of the general court, subject to appropriation, to assure fair and adequate minimum per student funding for public schools in the commonwealth by defining a foundation budget and a standard of local funding effort applicable to every city and town in the commonwealth.

Section 2. As used in this chapter and in chapters fifteen, sixty-nine and seventy-one, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Adjusted property valuation", the equalized property valuation of the municipality multiplied by the most recent average annual per capita income for the municipality, divided by the average annual per capita income for the commonwealth for the same period, as reported by the United States bureau of census.

"Assumed tuitioned-out special education enrollment", one percent of the total foundation enrollment in a district, not counting vocational or pre-school enrollment.

"Assumed in-school special education enrollment", three and one-half percent of total foundation enrollment of a district not counting vocational or pre-school enrollment, plus four and one-half percent of vocational enrollment.

"Base aid", in any fiscal year, the total of base aid, minimum aid and foundation aid of the previous fiscal year. In fiscal year nineteen hundred and ninety-four, base aid shall be state school aid in fiscal year nineteen hundred and ninety-three; provided, however, that the amount of aid deemed to have been distributed in fiscal year nineteen hundred and ninety-three pursuant to section sixteen D of chapter seventy-one shall be adjusted to equal the amount that would have been distributed in fiscal year nineteen hundred and ninety-four in accordance with paragraph (e) of section sixteen D of said chapter seventy-one but for the provisions of this chapter and paragraph (f) of said section sixteen D of said chapter seventy-one; and provided, further, that, in determining base aid in the current fiscal year, the base aid amount of the previous fiscal year shall be adjusted by adding any amount that will be deducted in the current fiscal year pursuant to the provisions of section twelve B of chapter seventy-six for students that applied and were accepted at receiving districts during the prior fiscal year, provided, however, that the students identified in subsection (m) of said section twelve B of said chapter seventy-six, shall be deemed to have left during fiscal year nineteen hundred and ninety-three.

"Base year foundation budget", the sum of foundation base year payroll, foundation non-salary base year expenses, the professional development allotment, expanded program

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allotment, extraordinary maintenance allotment, and book and equipment allotment. The base year foundation is the foundation budget for fiscal year nineteen hundred and ninety-three.

"Board", the board of education.

"Book and equipment allotment", the amounts allotted within a district's foundation budget for books and equipment in any fiscal year. The book and equipment allotment shall be the sum of:

(a) one hundred and twenty-five dollars multiplied by the sum of the foundation kindergarten enrollment and the foundation pre-school enrollment; plus

(b) two hundred and fifty dollars multiplied by the sum of the foundation elementary enrollment, the foundation bilingual enrollment and the foundation junior high/middle school enrollment; plus

(c) four hundred dollars multiplied by the foundation high school enrollment; plus

(d) seven hundred dollars multiplied by the foundation vocational enrollment; plus

(e) two hundred dollars multiplied by the assumed in-school special education enrollment.

"Commissioner", the commissioner of the department of education within the executive office of education.

"Department", the department of education within the executive office of education.

"District" or "School district", the school department of a city or town, and a regional school district.

"Enrollment categories", each student, including students enrolled in special education programs, and students attending a school in another district, pursuant to the provisions of section twelve B of chapter seventy-six, who resides in the district and who attends either a public school in that district or a school for which the district of residence pays tuition, shall be placed in one and only one of the following enrollment categories depending on the grade and program to which the student is assigned:

(A) "Bilingual enrollment", the number of students enrolled in transitional bilingual programs in a district.

(B) "Elementary enrollment", number of students enrolled in grades one through five and not enrolled in bilingual or vocational programs in a district.

(C) "High school enrollment", the number of students enrolled in grades nine through twelve and not enrolled in bilingual or vocational programs in a district.

(D) "Junior high/middle school enrollment", the number of students enrolled in grades six through eight and not enrolled in bilingual or vocational programs in a district.

(E) "Kindergarten enrollment", the number of students enrolled in kindergarten and not enrolled in bilingual or vocational programs in a district.

(F) "Pre-school enrollment", the number of students enrolled in pre-school programs run in connection with the special education program in a district. The foundation pre-school enrollment may not exceed twice the number of pre-school students enrolled under approved individual education plans.

(G) "Vocational enrollment", the number of students enrolled in vocational and

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occupational education programs or an agricultural school in a district.

"Equalized property valuation", the annual equalized property valuation for a municipality as determined by the department of revenue pursuant to the provisions of sections nine, ten and ten C of chapter fifty-eight.

"Equity aid", aid amounts payable to municipalities in any fiscal year equal to the equity gap multiplied by the foundation aid percent.

"Equity gap", the positive difference, if any, between (1) the positive difference, if any, between the local contribution of the prior fiscal year and the gross standard of effort for that fiscal year and (2) the positive difference, if any, between the prior year net school spending and the prior year foundation budget amount. The equity gap shall be defined separately for each municipality's share of each district of which it is a member.

"Excess debt service amount", shall be the difference, if any, between (i) the municipality's share of long-term debt service in support of school construction and (ii) the statewide average of local share of long-term debt service in support of school construction, on a per pupil basis, multiplied by the foundation number of pupils in the town. For regional school districts, the excess debt service amount shall be allocated amongst member municipalities according to the provisions of the regional school district agreement. The excess debt service amount for a municipality shall be the sum of the municipality's share of excess debt service amounts for all of the regional districts of which it is a member.

"Expanded program allotment", the amount allotted within a district's foundation budget for providing expanded educational services for low-income students. The expanded program allotment shall be determined by multiplying the number of low-income elementary and middle school students in a district by the wage adjustment factor by three hundred and eighty dollars.

"Extraordinary maintenance allotment", the amount allotted within a district's foundation budget for extraordinary maintenance costs in any fiscal year. The extraordinary maintenance allotment shall be two thousand, two hundred dollars multiplied by the sum of the foundation teaching staff and the foundation support staff.

"Foundation aid", aid amounts payable to municipalities in any fiscal year equal to the foundation gap multiplied by the statewide foundation aid percent.

"Foundation aid percent", the result of dividing (1) the difference between the amount appropriated for the implementation of this chapter and the sum of the total base aid and total minimum aid by (2) the sum of the statewide foundation gap, the state overburden obligation, and the statewide equity gaps.

"Foundation assistants", the number of school assistants or aides allotted within a district's foundation budget in any fiscal year. The number of foundation assistants shall be the sum of:

(a) six thousandths multiplied by the sum of the foundation kindergarten enrollment and the foundation pre-school enrollment; plus

(b) twelve thousandths multiplied by the sum of the foundation elementary enrollment and the foundation bilingual enrollment; plus

(c) two thousandths multiplied by the foundation junior high/middle school

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enrollment; plus

(d) eight ten-thousandths multiplied by the sum of the foundation high school enrollment and the foundation vocational enrollment; plus

(e) one hundred and twenty-five thousandths multiplied by the assumed in-school special education enrollment.

"Foundation athletic expenses", the amount allotted within a district's foundation budget for athletic expenses in any fiscal year. The foundation athletic expenses shall be the sum of:

(a) fifty dollars multiplied by the foundation junior high/middle school enrollment; plus

(b) two hundred dollars multiplied by the sum of the foundation high school enrollment and the foundation vocational enrollment.

"Foundation benefits", the amount allotted within a district's foundation budget for the purchase of employee benefits and other insurance in any fiscal year. The foundation benefits shall be the sum of the following:

(a) four thousand three hundred and twenty dollars multiplied by the wage adjustment factor multiplied by the sum of the foundation teaching staff, the foundation support staff, the foundation assistants, the foundation principals, the foundation clerical staff, the foundation health care staff, the foundation central office professional staff and the foundation custodial staff; plus

(b) four hundred and sixty dollars multiplied by the sum of the foundation teaching staff, the foundation support staff, the foundation assistants, the foundation principals, the foundation clerical staff, the foundation health care staff, the foundation central office professional staff and the foundation custodial staff; plus

(c) two hundred and thirty dollars multiplied by the foundation vocational staff.

"Foundation budget", the sum of the foundation payroll, foundation non-salary expenses, professional development allotment, expanded program allotment, extraordinary maintenance allotment, and book and equipment allotment. The base year for calculating the foundation budget shall be fiscal year nineteen hundred and ninety-three. The base year foundation budget shall be calculated according to the formulas in this section using foundation enrollment as described in this section. For fiscal years thereafter, the foundation budget shall be the base year foundation budget, as adjusted for enrollment and for inflation as set forth in section three of this chapter.

"Foundation central office professional staff", the number of professional staff allotted within a district's foundation budget in any fiscal year for central office duties. The foundation central office professional staff shall be the sum of:

(a) two thousandths multiplied by the total foundation enrollment; plus

(b) fifteen thousandths multiplied by the sum of assumed in-school special education enrollment and assumed tuitioned-out special education enrollment; plus

(c) twenty-five hundred-thousandths multiplied by the foundation vocational enrollment.

"Foundation clerical staff", the number of staff allotted within a district's foundation

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budget in any fiscal year for clerical duties. The foundation clerical staff shall be the sum of:

(a) two hundred and seventy-five hundred-thousandths multiplied by the sum of the foundation kindergarten enrollment and the foundation pre-school enrollment; plus

(b) fifty-five ten-thousandths multiplied by the sum of the foundation elementary enrollment, the foundation bilingual enrollment, the foundation junior high/middle school enrollment, the foundation high school enrollment and the foundation vocational enrollment; plus

(c) two hundredths multiplied by the sum of the assumed in-school special education enrollment and the assumed tuitioned-out special education enrollment.

"Foundation custodial staff", the number of staff allotted within a district's foundation budget in any fiscal year for custodial duties. The foundation custodial staff shall be one-tenth multiplied by the sum of the foundation teaching staff and the foundation support staff.

"Foundation enrollment", the student enrollment of a district in any fiscal year. The foundation enrollment is defined as the sum of foundation elementary, junior high, senior high, bilingual, and vocational enrollment plus one-half the sum of foundation pre-school and kindergarten enrollment. By March first of each calendar year, the department shall certify the foundation enrollment for the next fiscal year as the actual enrollment as reported the previous October.

"Foundation extracurricular activity expenses", the amount allotted within a district's foundation budget for extracurricular activity expenses in any fiscal year. The foundation extracurricular activity expenses shall be the sum of:

(a) twenty-five dollars multiplied by the sum of the foundation elementary enrollment and the foundation bilingual enrollment; plus

(b) thirty-five dollars multiplied by the foundation junior high/middle school enrollment; plus

(c) forty-five dollars multiplied by the sum of the foundation high school enrollment and the foundation vocational enrollment.

"Foundation gap", the positive difference, if any, between (i) the foundation budget in any fiscal year and (ii) the sum of base aid, school choice reimbursement as defined in section twelve B of chapter seventy-six, federal impact aid, and the larger of (1) the prior year local contribution or (2) the standard of effort for that fiscal year. The foundation gap shall be calculated separately for each municipality's share of each district to which it belongs.

"Foundation health care staff", the number of staff allotted within a district's foundation budget to perform health care related duties in any fiscal year. The foundation health care staff shall be the sum of:

(a) one thousandths multiplied by the sum of the foundation kindergarten enrollment and the foundation pre-school enrollment; plus

(b) two thousandths multiplied by the sum of the foundation elementary enrollment and the foundation bilingual enrollment; plus

(c) fifteen ten-thousandths multiplied by the sum of the foundation junior high/

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middle school enrollment, the foundation high school enrollment and the foundation vocational enrollment.

"Foundation miscellaneous expenses", the amount allotted within a district's foundation budget for miscellaneous activity expenses in any fiscal year. The foundation miscellaneous activity expenses shall be the sum of:

(a) four hundred dollars multiplied by the assumed in-school special education enrollment; plus

(b) seventy-five dollars multiplied by the total foundation enrollment; plus

(c) eleven hundred dollars multiplied by the foundation clerical staff.

"Foundation non-salary expenses", the sum of foundation athletic expenses, foundation extracurricular activity expenses, foundation utility and ordinary maintenance expenses, foundation benefits, foundation special education tuition, and foundation miscellaneous expenses.

"Foundation payroll", the amount allotted within a district's foundation budget for the teaching staff, support staff, assistants, principals, clerical staff, health care staff, central office professional staff, and custodial staff in any fiscal year. The foundation payroll shall be the wage adjustment factor multiplied by the sum of:

(a) thirty-eight thousand dollars multiplied by the sum of the foundation teaching staff and the foundation support staff; plus

(b) nine thousand dollars multiplied by the foundation assistants; plus

(c) sixty-two thousand dollars multiplied by the sum of (i) foundation principals, and (ii) one and fifteen-hundredths multiplied by the foundation central office professional staff; plus

(d) eighteen thousand five hundred dollars multiplied by the foundation clerical staff; plus

(e) twenty-five thousand dollars multiplied by the foundation health care staff; plus

(f) twenty-five thousand dollars multiplied by the foundation custodial staff.

"Foundation principals", the number of principals allotted within a district's foundation budget in any fiscal year. The foundation principals shall be the sum of:

(a) fifteen ten-thousandths multiplied by the sum of the foundation kindergarten enrollment and foundation pre-school enrollment; plus

(b) three thousandths multiplied by the sum of the foundation elementary enrollment and the foundation bilingual enrollment; plus

(c) thirty-five ten-thousandths multiplied by the foundation junior high/middle school enrollment; plus

(d) thirty-five ten-thousandths multiplied by the sum of the foundation high school enrollment and the foundation vocational enrollment.

"Foundation special education tuition", the amount allotted within a district's foundation budget for special education tuition in any fiscal year. The value shall be the product of thirteen thousand five hundred dollars and the assumed tuitioned-out special education enrollment.

"Foundation support staff", the number of staff allotted within a district's foundation

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budget for support duties in any fiscal year. The foundation support staff shall be the sum of:

- (a) seven hundred and twenty-five hundred-thousandths multiplied by the sum of the foundation kindergarten enrollment and the foundation pre-school enrollment; plus
- (b) one hundred and forty-five ten-thousandths multiplied by the sum of the foundation elementary enrollment and the foundation bilingual enrollment; plus
- (c) twenty-five thousandths multiplied by the foundation junior high/middle school enrollment; plus
- (d) forty-two ten-thousandths multiplied by the sum of the foundation high school enrollment and the foundation vocational enrollment; plus
- (e) seventy-six thousandths multiplied by the assumed in-school special education enrollment.

"Foundation teaching staff", the number of staff allotted within a district's foundation budget for teaching duties in any fiscal year. The foundation teaching staff, calculated using enrollments as defined in this section, shall be the sum of the following:

- (a) the sum of the foundation kindergarten enrollment and the foundation pre-school enrollment divided by forty-four; plus
- (b) the foundation elementary enrollment divided by twenty-two; plus
- (c) the foundation junior high/middle school enrollment divided by twenty-five; plus
- (d) the foundation high school enrollment divided by seventeen; plus
- (e) the foundation bilingual enrollment divided by fifteen; plus
- (f) the foundation vocational enrollment divided by ten; plus
- (g) the assumed in-school special education enrollment divided by eight; plus
- (h) three hundredths multiplied by the average number of low-income students attending schools in the district over the preceding two fiscal years.

"Foundation utility and ordinary maintenance expenses", the amount allotted within a district's foundation budget for utility and ordinary maintenance costs in any fiscal year. The foundation utility and ordinary maintenance expenses shall be three thousand three hundred dollars multiplied by the sum of:

- (a) the sum of the foundation teaching staff and the foundation support staff; plus
- (b) the foundation vocational enrollment divided by thirty.

"Foundation vocational staff", the number of teachers, support staff principals, clerical staff, health care staff and custodial staff assigned to a vocational school or program or an agricultural school allotted within a district's foundation budget in any fiscal year.

"General revenue sharing aid", the amount of assistance from the commonwealth to be received by a city or town in a fiscal year from the following local aid programs: (1) payments in lieu of taxes for state-owned lands distributed pursuant to section seventeen of chapter fifty-eight, (2) equity aid as defined in this section, (3) the distribution to cities and towns of the balance of the State Lottery Fund in accordance with the provisions of clause (c) of section thirty-five of chapter ten, and (4) additional assistance, so-called, as distributed pursuant to section eighteen E of chapter fifty-eight.

"Gross overburden amounts", are as follows: for municipalities with an adjusted

property valuation per pupil of equal to or less than ninety-five percent of the statewide average, the gross overburden amount shall be one hundred percent of the standard of effort gap. For municipalities with an adjusted property valuation per pupil greater than ninety-five percent of the state average but less than one hundred and twenty percent of the state average, the gross overburden amount shall be the standard of effort gap multiplied by the positive difference between one and one-half and the ratio of the municipality's adjusted property valuation per pupil to the amount of the state average adjusted property valuation per pupil. For municipalities with an adjusted property valuation per pupil equal to or greater than one hundred and twenty percent of the state average, the gross overburden amount shall be zero.

"Gross standard of effort", for a municipality in fiscal year nineteen hundred and ninety-four shall be ninety-four ten-thousandths times the adjusted property valuation, calculated using the nineteen hundred and ninety-two equalized property valuations as published by the department of revenue. In subsequent fiscal years, the gross standard of effort shall be the gross standard of effort of the previous fiscal year, increased by a percentage equal to the municipal revenue growth factor.

"Local contribution", the net school spending of a municipality in any fiscal year minus the sum of state school aid and federal impact aid, less equity aid, for that fiscal year as projected by the department of education; provided, however, in any city or town that deferred a portion of its teachers' salaries in the fiscal year ending June thirtieth, nineteen hundred and ninety-three or that had its regional school assessment reduced as a result of a deferral of teachers' salaries in a regional school district in said fiscal year, the local contribution for said fiscal year shall be reduced by the amount of such teachers' salary deferral and reduced regional school assessment, if any. The department shall publish tables allotting each municipality's local contribution in fiscal year nineteen hundred and ninety-three amongst the districts to which the municipality belongs.

"Low-income enrollment", the number of children attending school in a district regardless of residence or tuition-paying status, who are eligible for free or reduced cost lunches under eligibility guidelines promulgated by the federal government under 42 USC 1758. A low-income child or student is a child who meets these eligibility standards. In determining the total number of low-income students, the department shall use the preceding year's actual number of low-income elementary, middle school, high school, bilingual, and vocational students, and one-half the preceding year's actual number of low-income kindergarten and pre-school students.

"Minimum aid", the amount of minimum state school aid available to a municipality in any fiscal year, which shall be fifty dollars multiplied by the district foundation enrollment in fiscal year nineteen hundred and ninety-four, and twenty-five dollars multiplied by the district foundation enrollment every year thereafter until fiscal year two thousand and one.

"Minimum required local contribution", the sum of (i) the preliminary local contribution, and (ii) the foundation aid percent multiplied by the standard of effort gap in any fiscal year; provided, however, that for the purpose of this calculation, for any district that does not have a positive foundation gap, the standard of effort gap shall be deemed to be zero. This sum shall be reduced by the overburden aid amount, if any, and the excess

debt service amount, if any. The minimum required local contributions shall be calculated separately for each municipality's share of each district to which the municipality belongs.

"Municipal revenue growth factor", the increase in local general revenues calculated by subtracting one from the quotient calculated by dividing the sum of (1) the maximum levy limit for the fiscal year estimated by multiplying the levy limit of the prior fiscal year by a factor equal to one hundred and two and one-half percent plus the average of the percentage increases in the levy limit due to new growth over the last three available years as certified by the department of revenue, (2) the amount of general revenue sharing aid for the fiscal year, and (3) other recurring receipts not including user fees or other charges determined by the division of local services of the department of revenue to be associated with the provision of specific municipal services for the prior fiscal year by the sum of (1) the actual levy limit for the prior fiscal year, (2) the amount of general revenue sharing aid received for the prior fiscal year, and (3) other recurring receipts not including user fees or other charges determined by the division of local services of the department of revenue to be associated with the provision of specific municipal services, actually collected by the municipality for the fiscal year preceding the prior fiscal year; provided, however, that for the purposes of this calculation the levy limit shall exclude any amounts generated by overrides applicable to any year after fiscal year nineteen hundred and ninety-three; and provided, however, that in the absence of an actual levy limit for the prior fiscal year, the actual levy limit for the prior fiscal year shall be estimated by multiplying the actual levy limit of the fiscal year preceding the prior fiscal year by a factor equal to one hundred and two and one-half percent plus the average of the percentage increases in the levy limit due to new growth over the last three available years as certified by the department of revenue; provided, further that in the absence of an actual levy limit for the prior fiscal year, the maximum levy limit for the fiscal year shall be calculated by multiplying the estimated levy limit of the prior fiscal year by a factor equal to one hundred and two and one-half percent plus the average of the percentage increases in the levy limit due to new growth over the last three available years as certified by the department of revenue; provided, further, that said factor shall not be greater than the factor determined by subtracting one from the quotient calculated by dividing total state school aid for the current fiscal year by total state school aid for the prior fiscal year.

"Net school spending", the total amount spent for the support of public education, including teacher salary deferrals and tuition payments for children residing in the district who attend a school in another district or other approved facility, determined without regard to whether such amounts are regularly charged to school or non-school accounts by the municipality for accounting purposes; provided, however, that net school spending shall not include any spending for long term debt service, and shall not include spending for school lunches, or student transportation. Net school spending shall also not include tuition revenue or revenue from activity, admission, other charges or any other revenue attributable to public education. Such revenue will be made available to the school district which generated such revenue in addition to any financial resources made available by municipalities or state assistance. The department of education, in consultation with the department of revenue shall promulgate regulations to ensure a uniform method of determining which municipal

expenditures are appropriated for the support of public education and which revenues are attributable to public education in accordance with this section. The regulations shall include provisions for resolving disputes which may arise between municipal and school officials.

"Overburden aid", for each municipality is the gross overburden amount for that municipality multiplied by the foundation aid percent.

"Preliminary local contribution", for any municipality in which the local contribution in the prior fiscal year was less than the standard of effort, the local contribution of such prior year increased by a percentage equal to the municipal revenue growth factor. For any municipality in which the local contribution in the prior fiscal year was not less than the standard of effort, the preliminary local contribution shall be the standard of effort amount; provided, however, that for any district with a positive foundation gap, the preliminary local contribution shall not be less than the fiscal year nineteen hundred and ninety-three local contribution, except that said contribution may be reduced proportionately to any decrease in the total municipal budget.

"Professional development allotment", the amount allotted within a district's foundation budget for professional development in any fiscal year. The professional development allotment in any year shall be three percent multiplied by the amount allotted in that year in a district's foundation budget for foundation teaching staff payroll and the foundation support staff payroll.

"Standard of effort", for any year shall be the gross standard of effort for that year. The standard of effort for any municipality shall be allotted amongst the districts to which a municipality belongs according to each district's share of the total foundation budget for students from that municipality.

"Standard of effort gap", the positive difference in any fiscal year between the standard of effort in that fiscal year and the preliminary local contribution in that fiscal year. The standard of effort gap for a municipality shall be allocated amongst the districts to which a municipality belongs. If there is not positive difference, the standard of effort gap shall be zero.

"State overburden obligation", the sum of the gross overburden amounts for all municipalities.

"State school aid", all amounts appropriated by the commonwealth under this chapter, chapter seventy-one, and chapter seventy-four, all equal educational opportunity grants, and all per pupil grants included as part of state aid for fiscal year nineteen hundred and ninety-three except as provided in this chapter. It shall not include any state funding for transportation, for school building construction, for the METCO program or for other categorical grants such as school-to-work transitional grants. The department shall publish tables allotting each municipality's state school aid in fiscal year nineteen hundred and ninety-three amongst the school districts to which the municipality belongs. For municipalities where all students attend regional districts all state school aid shall be allocated amongst the regional districts. The aid received on behalf of students tuitioned out to other districts shall be allotted to the municipality or district paying tuition.

"Total foundation staff", the sum of the foundation teaching staff, foundation support

staff, foundation assistants, foundation principals, foundation clerical staff, foundation healthcare staff, foundation central office professional staff, and foundation custodial staff provided that no employee shall be counted as more than one full time equivalent.

"Wage adjustment factor", an adjusted difference between the average annual wage for all jobs in the labor market area in which a municipality is located and the average annual wage in the commonwealth. Average annual wage figures shall be published annually by the division of employment and training. The wage adjustment factor shall be the sum of one plus a fraction, the numerator of which shall be the product of one-third and the difference resulting from subtracting the average annual wage in the commonwealth from the average annual wage of the community; and the denominator of which shall be the average annual wage in the commonwealth.

For the purposes of this section, the average annual wage of the community shall be the sum of:

(a) eight-tenths multiplied by the average annual wage for all jobs in the labor market area in which the municipality is located; plus

(b) two-tenths multiplied by the average annual wage of the municipality; provided, however, that in any community in which the percent of total foundation enrollment represented by the low-income enrollment is greater than the total percent of low-income students in the state, the wage adjustment factor shall not be less than one.

Section 3. For the school district in each municipality, for each regional school district, and for each independent vocational school in the commonwealth, there is hereby established a foundation budget.

The board of education is authorized to adopt regulations furnishing interpretive guidelines for the determination of foundation budgets. Said regulations shall be filed with the house and senate committees on ways and means not less than thirty days before said regulations become effective.

Following fiscal year nineteen hundred and ninety-four, the foundation budget shall be calculated using foundation enrollments for the respective fiscal years as estimated by the department according to the procedures outlined in section two. The monetary factors used in calculating the foundation budget in these years shall be the monetary factors employed in section two to define the foundation payroll, foundation non-salary expenses, and the professional development allotment, expanded program allotment, extraordinary maintenance allotment, book and equipment allotment, multiplied by the ratio of the implicit price deflator for state and local government services as published by the United States department of commerce for the third quarter of the prior calendar year to the same deflator for the third quarter of nineteen hundred and ninety-two. For any fiscal year, the adjusted amounts shall not exceed those in the immediately preceding fiscal year by more than four and one-half percent.

Section 4. Not later than July first, nineteen hundred and ninety-four, and every three years thereafter, the governor shall appoint a foundation budget review commission to review the way in which foundation budgets are calculated and to make recommendations to the general court regarding such changes in the formula as may be appropriate. The

commission shall consist of fifteen members and shall be broadly representative of the racial and ethnic diversity of the commonwealth. Members shall receive no compensation for their services but may receive reimbursement for their reasonable expenses incurred in carrying out their responsibilities as members of the commission. The department shall furnish reasonable staff and other support for the work of the commission.

It shall not constitute a violation of chapter two hundred and sixty-eight A for any person employed by a school district in the commonwealth to serve on this commission or to participate in the commission deliberations that will or may have a financial impact on the district employing such person or on the rate at which such a person may be compensated. The commission may establish procedures to ensure that such persons not participate in commission deliberations that may either directly affect the school districts employing such persons or directly affect the rate at which such persons are compensated.

The commission's recommendations shall be filed with the clerks of the senate and house of representatives, who, with the approval of the president of the senate and the speaker of the house of representatives, shall refer such recommendations to appropriate committees of the general court. Within thirty days after such filing, the said committee shall hold a public hearing on the recommendations.

Section 5. Beginning in fiscal year nineteen hundred and ninety-four and for every fiscal year thereafter, the following shall apply to any municipality receiving overburden aid: the overburden aid amount for said municipality shall be reduced by an amount equal to seventy-five percent of any increase over the prior year in its lottery and additional assistance local aid.

Section 6. In addition to amounts appropriated for long-term debt service, school lunches, adult education, student transportation, and tuition revenue, each municipality in the commonwealth shall annually appropriate for the support of public schools in the municipality and in any regional school district to which the municipality belongs an amount equal to not less than the sum of the minimum required local contribution, federal impact aid, and all state school aid and grants for education but not including equity aid, for the fiscal year. Based on the amounts specified in section twelve, the allotments described in section thirteen, and the definitions and other provisions in this chapter, the commissioner shall estimate and report such amounts to each municipality and regional school district as early as possible, but no later than March first for the following fiscal year. The commissioner shall file with the house and senate committees on ways and means, not less than thirty days before said reports are transmitted to each municipality and regional school district, copies or a document reporting all of the information contained in said reports. Notwithstanding the terms of any regional school district agreements to the contrary, no new regional school district shall be required to submit a budget to its member municipalities before receiving the estimate by the commissioner concerning the amount of state school aid payable through the member municipalities to the regional school district for the following fiscal year. Notwithstanding the provisions of any regional school district agreement, each member municipality shall increase its contribution to the regional district each fiscal year by the amount indicated in that district's share of the municipality's minimum regional con-

tribution in that fiscal year. The district shall appropriate the sum of the minimum regional contributions of its member districts as well as all state school aid received on behalf of member municipalities. The district may choose to spend additional amounts; such decisions shall be made and such amounts charged to members according to the district's required agreement.

Section 7. If there is appropriated in any fiscal year a sum smaller than the amount of state school aid specified in section twelve, any school appropriations based on the commissioner's estimate shall be reduced without further action by the school committee, town meeting, or city council by an amount equal to the value that state school aid and minimum required local contribution for the district are below the amount estimated by the commissioner unless the district or the member municipalities take specific actions to the contrary. For the purposes of this section the amount of state school aid appropriated to a city or town shall be the amount appropriated by the annual appropriation act without regard to any deductions pursuant to subsection (f) of section twelve B of chapter seventy-six.

Section 8. Except as required by General Law, each school district may determine how to allocate any funds appropriated for the support of public schools without regard to the categories employed in calculating the foundation budget.

Section 9. School districts shall report each fiscal year to the commissioner of education on the amounts spent for extraordinary maintenance, extended programming, professional development, and books and instructional equipment. To the extent that the amounts spent for these purposes fall short of the allotments defined in this chapter, the superintendent shall explain the reasons for the shortfall.

School districts shall report each fiscal year to the commissioner of education on the amounts spent for administrative expenses. To the extent that the amounts spent for these purposes exceed the allotments defined in this chapter, the superintendent shall explain the reasons for the additional costs.

Section 10. Subject to appropriation, the amount of state aid to be paid to each municipality in each fiscal year under this chapter shall be the sum of the base aid, the overburden aid, minimum aid, foundation aid and equity aid to which the municipality may be entitled under the provisions of this chapter. The amount of aid paid to each district shall be identified separately for each municipality that is a member of the district.

Section 11. If in any fiscal year a district's actual expenditures for public education is less than the amount required to be appropriated for public education pursuant to this chapter, the difference, up to five percent of the amount required to be appropriated, shall be spent in the following fiscal year without affecting the amount of state school aid payable the following fiscal year, provided, however, that the amount required to be appropriated for public education in said following year shall be increased by said difference, up to five percent; provided, further, that the amount of state school aid for the following fiscal year shall be reduced by the amount said difference exceeds five percent of the amount required to be appropriated; provided, further, that in any year in which additional money is required to be appropriated pursuant to this section due to a spending deficiency in the prior year, if a district's actual expenditure for public education is less than the amount required to be appro-

apropriated, state school aid in the following year shall be reduced by the entire difference between said amounts. The board shall promulgate regulations to enforce the provisions of this section.

Section 12. (a) Subject to appropriation, beginning in fiscal year nineteen hundred and ninety-four and for all subsequent fiscal years, the amounts appropriated for state school aid in any given year shall be equal to the sum of the adjusted prior year amount and the education improvement amount.

(b) The adjusted prior year amount for state school aid shall be the amount of state aid appropriated in the previous fiscal year, multiplied by an annual adjustment factor equal to the ratio of (i) the implicit price deflator for state government services as published by the United States department of commerce for the third quarter of the prior year to (ii) the same deflator one year earlier; provided, however, that the annual adjustment factor utilized in fiscal year nineteen hundred and ninety-four shall be equal to one. In no case shall the annual adjustment factor exceed one hundred and four percent.

(c) The education improvement amount shall be an amount of additional state school aid as hereinafter described for the fiscal years nineteen hundred and ninety-four to two thousand, inclusive: in fiscal year nineteen hundred and ninety-four, an additional one hundred and forty million dollars; in fiscal year nineteen hundred and ninety-five, an additional one hundred and fifty million dollars; in fiscal year nineteen hundred and ninety-six, an additional one hundred and fifty million dollars; in fiscal year nineteen hundred and ninety-seven, an additional one hundred and fifty million dollars; in fiscal year nineteen hundred and ninety-eight, an additional one hundred and fifty million dollars; in fiscal year nineteen hundred and ninety-nine, an additional one hundred and eighty million dollars; and in fiscal year two thousand, an additional one hundred and eighty million dollars. The dollar amounts specified in this subsection shall be adjusted for inflation by multiplying the amounts for fiscal year nineteen hundred and ninety-five and subsequent years by the ratio of the value of the implicit price deflator for state government services in the third quarter of the prior calendar year to the value of that same deflator in the third quarter of nineteen hundred and ninety-three. In no case shall this adjustment factor be greater than what would be derived by a four percent annual adjustment compounded on a yearly basis.

Section 13. (a) The funds appropriated for state school aid shall be allocated among municipalities as set forth in this chapter. If said amount appropriated is less than the total base aid amount, each municipality's allotment of base aid shall be reduced by a constant amount per student that shall be determined by dividing the difference between the total base amount and said appropriation amount by the total foundation enrollment in the state.

(b) If the amount appropriated is more than the base amount, funds shall first be allocated to ensure that state school aid for each municipality equals the base aid amount.

(c) Any additional funds shall be allocated to cover minimum aid. If the amount appropriated for state school aid is insufficient to permit full funding of the base aid and minimum aid, funds in excess of the amount needed to fund base aid shall be allocated on a proportional basis reflecting the ratio of a particular municipality's minimum aid to the sum of minimum aid amounts of all municipalities for that fiscal year.

(d) All remaining funds shall be allocated to cover foundation aid, equity aid, and overburden aid.

(e) The allocation to each municipality that received foundation aid of more than the minimum aid amount above the base amount shall be reduced by an amount that is the lesser of (1) the minimum aid amount and (2) the positive difference, if any, between its foundation aid and minimum aid. The funds available from this reduction shall be allocated to all municipalities such that each one receives the same proportion of this aid as was received in paragraph (d). These increments shall be considered part of foundation aid, equity aid, and overburden aid.

Section 14. For any district in which fewer than twenty percent of the students scored below the state average on the assessment tests required by chapter sixty-nine, the city or town, or all cities and towns comprising a regional school district, may exempt the district from the provisions of this chapter by accepting this section in the manner prescribed by section four of chapter four. Any district so exempted shall continue to receive fiscal year nineteen hundred and ninety-three base aid, but shall not receive any additional state aid and shall not be required to meet the local obligation requirements of this chapter.

If, in any future year, a district so exempted fails to meet the assessment standards described above, or for any other reason is not exempt from this chapter, it shall, in that and future years, be subject to the same obligations and entitled to the same aid under this chapter in each year as districts that were never so exempted.

Section 15. This chapter shall apply to all cities, towns, and regional school districts, notwithstanding section twenty-seven C of chapter twenty-nine, and without regard to any acceptance or appropriation by a city, town or regional school district or to any appropriation by the general court.

SECTION 33. Chapter seventy A of the General Laws is hereby repealed.

SECTION 34. Section 16D of chapter 71 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following three subsections:-

(e) Notwithstanding the foregoing provisions of this section, for the fiscal year ending on June thirtieth, nineteen hundred and ninety-four, regional schools shall receive the same amount of state aid that they received in the fiscal year ending on June thirtieth, nineteen hundred and ninety-three; provided, however, that any regional school that received in the fiscal year ending on June thirtieth, nineteen hundred and ninety-three less than seventy-six percent of the amount of state aid that it would have been entitled to pursuant to the foregoing provisions of this section if the full amount had been appropriated for such state aid in said fiscal year nineteen hundred and ninety-three shall receive an additional state aid payment in fiscal year nineteen hundred and ninety-four such that the total state aid for each regional school pursuant to this section shall be no less than seventy-six percent of the amount of state aid that it would have been entitled to pursuant to the foregoing provisions of this section if the full amount had been appropriated for such state aid in said fiscal year nineteen hundred and ninety-three; provided, further, that any regional school district that is newly established pursuant to section fifteen subsequent to June thirtieth, nineteen hundred and ninety-two but prior to July first, nineteen hundred and ninety-three shall receive

seventy-six percent of the amount it would otherwise have been entitled to receive for fiscal year nineteen hundred and ninety-four expenses pursuant to the foregoing provisions of this section.

(f) For fiscal years nineteen hundred and ninety-four and subsequent fiscal years, the amount of state aid distributed as base aid pursuant to chapter seventy shall be deemed to be in full satisfaction of the provisions of subsection (e).

(g) Notwithstanding the foregoing provisions, regional bonus aid, but no other aid pursuant to this section, shall be paid to any regional school district formed after fiscal year nineteen hundred and ninety-three for the immediate five fiscal years following the establishment of said regional school district. Regional bonus aid shall be payable in an amount equal to fifty dollars per foundation enrollment, in the first fiscal year following the establishment of said regional school district; forty dollars per foundation enrollment in the second fiscal year following the establishment of said regional school district; thirty dollars per foundation enrollment in the third fiscal year following the establishment of said regional school district; twenty dollars per foundation enrollment in the fourth fiscal year following the establishment of said regional school district; and, ten dollars per foundation enrollment in the fifth fiscal year following the establishment of said regional school district.

SECTION 35. Said chapter 71 is hereby further amended by striking out section 37, as so appearing, and inserting in place thereof the following section:-

Section 37. The school committee in each city and town and each regional school district shall have the power to select and to terminate the superintendent, shall review and approve budgets for public education in the district, and shall establish educational goals and policies for the schools in the district consistent with the requirements of law and statewide goals and standards established by the board of education.

SECTION 36. Said chapter 71 is hereby further amended by striking out section 37H, as amended by section 430 of chapter 133 of the acts of 1992, and inserting in place thereof the following section:-

Section 37H. The superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. Said policies shall prohibit the use of any tobacco products within the school buildings, the school facilities or on the school grounds or on school buses by any individual, including school personnel. Copies of these policies shall be provided to any person upon request and without cost by the principal of every school within the district.

Each school district's policies pertaining to the conduct of students shall include the following: disciplinary proceedings, including procedures assuring due process; standards and procedures for suspension and expulsion of students; procedures pertaining to discipline of students with special needs; standards and procedures to assure school building security and safety of students and school personnel; and the disciplinary measures to be taken in cases involving the possession or use of illegal substances or weapons, the use of force, vandalism, or violation of other student's civil rights. Codes of discipline, as well as procedures used to develop such codes shall be filed with the department of education for informational purposes only.

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In each school building containing the grades nine to twelve, inclusive, the principal, in consultation with the school council, shall prepare and distribute to each student a student handbook setting forth the rules pertaining to the conduct of students. The school council shall review the student handbook each spring to consider changes in disciplinary policy to take effect in September of the following school year, but may consider policy changes at any time. The annual review shall cover all areas of student conduct, including but not limited to those outlined in this section.

Notwithstanding any general or special law to the contrary, all student handbooks shall contain the following provisions:

(a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.

(b) Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.

(c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal.

After said hearing, a principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b); provided, however, that any principal who decides that said student should be suspended shall state in writing to the school committee his reasons for choosing the suspension instead of the expulsion as the most appropriate remedy. In this statement, the principal shall represent that, in his opinion, the continued presence of this student in the school will not pose a threat to the safety, security and welfare of the other students and staff in the school.

(d) Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of his appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.

(e) When a student is expelled under the provisions of this section and applies for admission to another school for acceptance, the superintendent of the sending school shall notify the superintendent of the receiving school of the reasons for the pupil's expulsion.

SECTION 37. Section 37L of said chapter 71, as appearing in the 1990 Official Edition, is hereby amended by adding the following three paragraphs:-

In addition, any school department personnel shall report in writing to their

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immediate supervisor an incident involving a student's possession or use of a dangerous weapon on school premises at any time.

Supervisors who receive such a weapon report shall file it with the superintendent of said school, who shall file copies of said weapon report with the local chief of police, the department of social services, the office of student services or its equivalent in any school district, and the local school committee. Said superintendent, police chief, and representative from the department of social services, together with a representative from the office of student services or its equivalent, shall arrange an assessment of the student involved in said weapon report. Said student shall be referred to a counseling program; provided, however, that said counseling shall be in accordance with acceptable standards as set forth by the board of education. Upon completion of a counseling session, a follow-up assessment shall be made of said student by those involved in the initial assessment.

A student transferring into a local system must provide the new school system with a complete school record of the entering student. Said record shall include, but not be limited to, any incidents involving suspension or violation of criminal acts or any incident reports in which such student was charged with any suspended act.

SECTION 38. Section 38 of said chapter 71, as so appearing, is hereby amended by striking out the first and second paragraphs.

SECTION 39. The third paragraph of said section 38 of said chapter 71, as so appearing, is hereby amended by striking out, in line 33, the word "committee" and inserting in place thereof the following word:- district.

SECTION 40. Said section 38 of said chapter 71, as so appearing, is hereby further amended by striking out the fifth paragraph and inserting in place thereof the following two paragraphs:-

The superintendent, by means of comprehensive evaluation, shall cause the performance of all teachers, principals, and administrators within the school district to be evaluated using any principles of evaluation established by the board of education pursuant to section one B of chapter sixty-nine and by such consistent, supplemental performance standards as the school committee may require, including the extent to which students assigned to such teachers and administrators satisfy student academic standards or, in the case of a special education student, the individual education plan, and the successful implementation of professional development plans required under section thirty-eight Q; provided, however, that such principles and standards be consistent with the anti-discrimination requirements of chapter one hundred and fifty-two B. The superintendent shall require the evaluation of administrators and of teachers without professional teacher status every year and shall require the evaluation of teachers with professional teacher status at least once every two years. The procedures for conducting such evaluations, but not the requirement for such evaluations, shall be subject to the collective bargaining provisions of chapter one hundred and fifty E.

Performance standards for teachers and other school district employees shall be established by the school committee upon the recommendation of the superintendent, provided that where teachers are represented for collective bargaining purposes, all teacher

performance standards shall be determined as follows: The school committee and the collective bargaining representative shall undertake for a reasonable period of time to agree on teacher performance standards. Prior to said reasonable period of time, the school district shall seek a public hearing to comment on such standards. In the absence of an agreement, after such reasonable period, teacher performance standards shall be determined by binding interest arbitration. Either the school district or the teachers' collective bargaining representative may file a petition seeking arbitration with the commissioner of education. The commissioner shall forward to the parties a list of three arbitrators provided by the American Arbitration Association. The school committee and the collective bargaining representative within three days of receipt of the list from the commissioner of education shall have the right to strike one of the three arbitrators' names if they are unable to agree upon a single arbitrator from among the three. The arbitration shall be conducted in accordance with the rules of the American Arbitration Association to be consistent with the provisions of this section. In reaching a decision, the arbitrator shall seek to advance the goals of encouraging innovation in teaching and of holding teachers accountable for improving student performance. The arbitrator shall consider the particular socioeconomic conditions of the student population of the school district. Both the parties and the arbitrator may adopt performance standards established by state or national organizations. The performance standards shall be incorporated into the applicable collective bargaining agreement; provided, however, that any subsequent modification of the performance standards shall be made pursuant to the procedures set forth in this section.

SECTION 41. Said chapter 71 is hereby further amended by striking out section 38G, as amended by chapter 151 of the acts of 1991, and inserting in place thereof the following section:-

Section 38G. (a) The board of education shall have authority to grant upon application provisional and standard certificates, as provided in this section, to teachers, guidance counselors and directors, school psychologists, school librarians, school nurses, audio-visual media specialists, unified media specialists, school business administrators, principals, supervisors, directors, assistant superintendents of schools and superintendents of schools. Any certificate issued by the board may be revoked for cause, pursuant to standards and procedures established by the board. The board shall promulgate regulations to carry out the provisions of this section; provided, however, that such regulations shall not require a masters degree as a condition precedent to the attainment of a standard certification in instruction; provided, further, that a masters degree may be required as a condition precedent to the attainment of a certificate of eligibility with advanced standing.

(b) To be eligible for a provisional certification, the candidate shall (1) hold a bachelor's degree in arts or sciences from an accredited college or university with a major course of study appropriate to the instructional field; (2) pass a test which shall consist of two parts: (A) a writing section which shall demonstrate the communication and literacy skills necessary for effective instruction and improved communication between school and parents; and (B) the subject matter knowledge necessary for the teaching specialization endorsement or the general subject matter knowledge for the elementary endorsement; and

(3) be of sound moral character. Candidates who complete the requirements in this paragraph shall be issued certificates of eligibility which will permit them to seek provisional employment in teaching positions requiring instructional certification.

(c) Certificates of eligibility with advanced standing shall be issued to all persons who meet the test requirement pursuant to subsection (b) and who have completed one of the following programs of teacher preparation: (1) a college program, graduate or undergraduate, approved by the department of education for the preparation of teachers; (2) a college preparation program included in the alternative certification reciprocity system of the National Association of State Directors of Teacher Education and Certification (NASDTEC); (3) an out-of-state teacher education program approved by the National Council for the Accreditation of Teacher Education (NCATE); or (4) an out-of-state teacher education program not approved by the NCATE or NASDTEC but approved by the board of education.

(d) To be eligible for the standard certificate in instructional fields, except as indicated in subsection (e), the candidate shall (1) possess a provisional certificate pursuant to paragraph (b); and (2) complete a state-approved district or private school training program pursuant to subsection (g) while employed provisionally in a position requiring the relevant endorsement to the instructional certificate.

(e) Candidates who hold standard instructional certificates shall be issued additional standard instructional endorsements where they meet provisional certification requirements without having to meet the requirements in subsection (d).

(f) A standard certification shall be issued for a term of five years. Teachers who have been granted permanent certificates prior to June first, nineteen hundred and ninety-three shall be granted standard instructional certificates by the board.

(g) Each public school district seeking to hire a provisional teacher shall submit a plan to the department of education and receive approval in accordance with the same procedures used for initial approval of collegiate preparation programs. No district shall be authorized to employ a provisional teacher unless it has submitted a plan and received the approval of the commissioner of education. The department of education shall issue a standard training program plan which districts may implement in lieu of developing an original plan.

Each plan shall describe the key elements of the proposed training program in accordance with guidelines established and published by the department of education. Districts shall show evidence of joint sponsorship of training programs with colleges or universities.

Each approved district training plan shall provide essential knowledge and skills to provisional teachers through the following phases of training: (1) a full-time seminar and practicum of no less than twenty days' duration which takes place prior to the time at which the provisional teacher takes the full responsibility for a classroom. The seminar and practicum shall provide the format instruction in the essential areas for professional study listed in subsection (h). It should introduce basic teaching skills through supervised teaching experiences with students. The seminar and practicum components of the experience shall

be integrated and shall include an orientation to the policies, organization and curriculum of the employing district. This requirement shall not apply to provisional teachers who are holders of certificates of eligibility with advanced standing; (2) a period of intensive on-the-job supervision beginning the first day on which the provisional teacher assumes full responsibility for a classroom and continuing for a period of at least ten weeks. During this time, the provisional teacher shall be visited and critiqued by members of a professional support team and shall be observed and formally evaluated at the end of ten weeks by the appropriately certified member of the team. At the end of the ten-week period, the provisional teacher shall receive a formal written progress report from the chairperson of the support team; and (3) an additional period of continued supervision and evaluation of no less than twenty weeks duration. During this period, the provisional teacher shall be visited and critiqued at least four times and shall be observed formally and evaluated at least twice. No more than two months shall pass without a formal observation. Opportunities shall be provided for the provisional teacher to observe the teaching of experienced colleagues.

(h) Approximately two hundred hours of formal instruction in the following topics shall be provided in all three phases of this program combined. This requirement shall not apply to provisional teachers who are holders of certificates of eligibility with advanced standing.

- (1) Curriculum and the curriculum frameworks established by the board.
- (2) Student development, student diversity and learning at all levels.
- (3) The classroom, the school and the home.

(i) Training and supervision of provisional teachers in state-approved alternative programs shall be provided by a professional support team comprised of a school principal, a mentor teacher, a college faculty member and a curriculum supervisor. District schools which do not employ curriculum supervisors or have been unable to establish a relationship with a college or university shall provide for comparable expertise on the team. The school principal shall serve as the chairperson of the team.

(j) The department of education shall coordinate the training efforts of districts and shall establish regional programs for provisional teachers. The department shall also provide orientation programs for support team members.

(k) Provisional teachers shall be observed and evaluated by appropriately certified support team members. Evaluation of provisional teachers shall be shared by at least two, but no more than three members of the support team. The department of education shall devise standardized criteria and forms for a final comprehensive evaluation of each provisional teacher, conducted at the end of the provisional period by appropriately certified support team members.

(l) At the conclusion of the state-approved district training program, the chairperson of the support team shall prepare a comprehensive evaluation report of the provisional teacher's performance. This report shall be submitted by the chairperson directly to the department of education and shall contain a recommendation as to whether or not a standard certificate should be issued to the provisional teacher. The final comprehensive evaluation report on each provisional teacher shall be made on forms provided by the department of education.

Said report shall include one of the following recommendations: (1) Approved: recommends issuance of a standard certificate; (2) Insufficient: recommends that a standard certificate not be issued but that the candidate be allowed to seek entry on one more occasion in the future into a state-approved district training program; or (3) Disapproved: recommends that a standard certificate not be issued and that the candidate not be allowed to enter into a state-approved district training program.

The support team chairperson shall provide the provisional teacher with a copy of the provisional teacher's written evaluation report and certification recommendation before submitting it to the bureau of teacher preparation and certification.

If the provisional teacher disagrees with the chairperson's recommendation, the provisional teacher may, within fifteen days, submit to the chairperson written materials documenting the reasons why the provisional teacher believes standard certification should be awarded or a recommendation of insufficient granted. The chairperson shall forward all such documentation to the bureau of teacher certification along with the evaluation report and recommendation concerning certification. The provisional teacher may contest the unfavorable recommendation with the board of education.

Candidates who receive a recommendation of "disapproved" or two or more recommendations of "insufficient" may petition the board of education for approval of additional opportunities to seek provisional employment in districts other than those in which they received unfavorable recommendations. The candidate shall be responsible for demonstrating why he would be likely to succeed if granted the requested opportunity.

(m) All applications for certificates shall be accompanied by a fee to be determined annually by the commissioner of administration under the provisions of section three B of chapter seven. Said fees shall be established so as to allow the department's bureau of teacher certification to operate at no cost to the commonwealth.

No person shall be eligible for employment by a school committee as a teacher, principal, supervisor, director, guidance counselor and director, school psychologist, school nurse, school librarian, audio-visual media specialist, unified media specialist, school business administrator, superintendent of schools or assistant superintendent of schools unless he has been granted by the board a certificate with respect to the type of position for which he seeks employment; provided, however, that nothing herein shall be construed to prevent a school committee from prescribing additional qualifications; provided, further, that a school committee may upon its request be exempt by the board for any one school year from the requirement in this section to employ certified personnel when compliance therewith would in the opinion of the board constitute a great hardship in securing teachers for the schools of a town. During the time that such a waiver is in effect, service of an employee of a school committee to whom the waiver applies shall not be counted as service in acquiring pro-fessional teacher status or other rights under section forty-one.

For the purposes of certifying provisional teachers, the board may approve programs at colleges or universities devoted to the preparation of teachers and other educational personnel. A college or university offering such an approved program shall certify to the board that a student has completed the program approved and shall provide the board with

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a transcript of the record.

This section shall not apply to trade, vocational, temporary substitute teachers, exchange teachers, regionally licensed or certified teachers or to teaching or administrative interns; provided, however, that approval for the employment of such personnel shall be granted by the board under such rules and regulations as it may adopt. As used in this section, a "temporary substitute" shall be one employed for less than a school year to take the place of a regularly employed teacher who is absent by reason of illness or by reason of educational leave, maternity leave, military leave, sabbatical leave or other leave. As used in this section, a "teaching or administrative intern" shall be a student who has completed his student teaching requirements and seeks additional experience in teaching or administrative positions. As used in this section a "regionally licensed or certified teacher" shall be an applicant for a teacher's certificate in the commonwealth who has been granted a regional license or certificate by another state jurisdiction under terms of a contract entered into pursuant to chapter seven hundred and forty-eight of the acts of nineteen hundred and sixty-eight, the Interstate Agreement on Certification of Educational Personnel.

The board shall have authority from time to time to make, amend and rescind such rules and regulations as may be necessary to carry out the provisions of this section.

Except as otherwise specifically provided in this section, no rights of any employees of a school district under the provisions of this chapter shall be impaired by the provisions of this section.

Any person, who teaches children diagnosed as having autism, in a school approved by the department of education pursuant to the provisions of chapter seventy-one B who is legally present in the United States and possesses legal authorization to work, and who meets all other requirements of certification, shall not be denied certification solely because he is not a citizen of the United States.

Anyone granted either a provisional or permanent certificate under this section or currently holding such certification shall be required to maintain the development of professional skills and the knowledge of subject matter pertinent to the areas of certification. Teachers who were authorized, permitted or approved under policies of the department of education to teach in a subject or area for which there was no certification standard before September first, nineteen hundred and eighty-two, shall acquire and maintain the development of the skills and training required of persons certified to teach in said subject or area after that date.

It shall be one of the objectives of all school districts' professional development plans to satisfy the professional development plan required of this section; provided, however, that this requirement shall not be construed to require that a school district or the commonwealth provide funding for the fulfillment of the professional development requirements of this section and section thirty-eight Q beyond the foundation budget.

The board shall establish policies and guidelines designating requirements for any continuing education units, in-service seminars, projects, courses and other activities which would be deemed sufficient to maintain the development of professional skills and the knowledge of subject matter pertinent to particular certificates. The board shall establish for

each certification area alternate methods for fulfilling the professional development requirement, at least one of which shall be provided at no cost to persons employed by a school district who are engaging in such activity for the purpose of satisfying the professional development requirements of this section. The board may also develop methods of assessing an individual's teaching skills and knowledge. In developing these policies, guidelines and assessment methods, the board shall obtain the input of teachers, administrators and educational experts. Such policies shall provide that a teacher who is to be employed in a position in an area of certification in which he is not currently employed, nor currently certified, but for which he held a certificate which had been valid within the three years immediately preceding the starting date of employment in this position, shall be given a reasonable period, as determined by the board, to fulfill a professional development plan which demonstrates his currency in the relevant subject matter knowledge, and requalifies him for certification in said area.

The board shall, in establishing said policies and criteria for professional development, give special consideration to the unique financial or time constraints these policies may require. The board may also develop methods of assessing an individual's teaching skills and knowledge. In developing these policies, guidelines and assessment methods, the board shall obtain the input of teachers, administrators and educational experts.

All permanent certificates shall have a term of five years and shall be renewable for additional terms of five years. All applications for renewal shall be accompanied by a fee to be determined annually by the secretary of administration under the provisions of section three B of chapter seven. Applicants for renewal shall submit documentation demonstrating their fulfillment of the professional development requirements established by the board for the certificates they seek to renew.

SECTION 42. Said chapter 71 is hereby further amended by inserting after section 38P the following section:-

Section 38Q. Every school district in the commonwealth shall adopt and implement a professional development plan for all principals, teachers and other professional staff employed by the district, to include the professional support teams established pursuant to section thirty-eight G, and annually shall update such plans and set forth a budget for professional development within the confines of the foundation budget. Said plan shall include training in the teaching of new curriculum frameworks and other skills required for the effective implementation of this act, including participatory decision making, and parent and community involvement. Said plan shall also include training for members of school councils, pursuant to section fifty-nine C. Said plan may include teacher training which addresses the effects of gender bias in the classroom.

The commissioner of education for the commonwealth shall prepare each year a plan for providing statewide assistance in the preparation and implementation of professional development plans. The commissioner shall consult with the secretary of education and the higher education coordinating council in developing said plan. This plan shall evaluate the feasibility of obtaining assistance from institutions of higher education and private service providers. The plan shall be submitted to the board of education for approval. A copy of

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said plan shall be submitted to the joint committee on education, arts, and humanities of the general court.

SECTION 43. Section 41 of said chapter 71, as appearing in the 1990 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following three paragraphs:-

For the purposes of this section, a teacher, school librarian, school adjustment counsellor, or school psychologist who has served in the public schools of a school district for three consecutive years shall be considered a teacher, and shall be entitled to professional teacher status as provided in section forty-two. The superintendent of said district, upon the recommendation of the principal, may award such status to any teacher who has served in the principal's school for not less than one year or to a teacher who has obtained such status in any other public school district in the commonwealth. A teacher without professional teacher status shall be notified in writing on or before June fifteenth whenever such person is not to be employed for the following school year. Unless such notice is given as herein provided, a teacher without such status shall be deemed to be appointed for the following school year.

School principals, by whatever title their positions may be known, shall not be represented in collective bargaining. School principals may enter into individual employment contracts with the districts that employ them concerning the terms and conditions of their employment.

Except as provided herein, section forty-two shall not apply to school principals, assistant principals or department heads, although nothing in this section shall deny to any principal, assistant principal or department head any professional teacher status to which he shall otherwise be entitled. A principal, assistant principal, department head or other supervisor who has served in that position in the public schools of the district for three consecutive years shall not be dismissed or demoted except for good cause. Only a superintendent may dismiss a principal. A principal, assistant principal, department head or other supervisor shall not be dismissed unless he has been furnished with a written notice of intent to dismiss with an explanation of the grounds for the dismissal, and, if he so requests, has been given a reasonable opportunity within seven days after receiving such notice to review the decision with the superintendent at which meeting such employee may be represented by an attorney or other representative to present information pertaining to the basis for the decision and to such employee's status. A principal, assistant principal, department head or other supervisor may seek review of a dismissal or demotion decision by filing a petition with the commissioner for arbitration. Except as provided herein, the procedures for arbitration, and the time allowed for the arbitrator to issue a decision, shall be the same as that in section forty-two. The commissioner shall provide the parties with the names of three arbitrators who are members of the American Arbitration Association. The arbitrators shall be different from those developed pursuant to section forty-two. The parties each shall have the right to strike one of the three arbitrator's names if they are unable to agree upon a single arbitrator from amongst the three.

SECTION 44. Said chapter 71 is hereby further amended by striking out section 42,

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as so appearing, and inserting in place thereof the following section:-

Section 42. A principal may dismiss or demote any teacher or other person assigned full-time to the school, subject to the review and approval of the superintendent; and subject to the provisions of this section, the superintendent may dismiss any employee of the school district. In the case of an employee whose duties require him to be assigned to more than one school, and in the case of teachers who teach in more than one school, those persons shall be considered to be under the supervision of the superintendent for all decisions relating to dismissal or demotion for cause.

A teacher who has been teaching in a school system for at least ninety calendar days shall not be dismissed unless he has been furnished with written notice of intent to dismiss and with an explanation of the grounds for the dismissal in sufficient detail to permit the teacher to respond and documents relating to the grounds for dismissal, and, if he so requests, has been given a reasonable opportunity within ten school days after receiving such written notice to review the decision with the principal or superintendent, as the case may be, and to present information pertaining to the basis for the decision and to the teacher's status. The teacher receiving such notice may be represented by an attorney or other representative at such a meeting with the principal or superintendent. Teachers without professional teacher status shall otherwise be deemed employees at will.

A teacher with professional teacher status, pursuant to section forty-one, shall not be dismissed except for inefficiency, incompetency, incapacity, conduct unbecoming a teacher, insubordination or failure on the part of the teacher to satisfy teacher performance standards developed pursuant to section thirty-eight of this chapter or other just cause.

A teacher with professional teacher status may seek review of a dismissal decision within thirty days after receiving notice of his dismissal by filing a petition for arbitration with the commissioner. The commissioner shall forward to the parties a list of three arbitrators provided by the American Arbitration Association. Each person on the list shall be accredited by the National Academy of Arbitrators. The parties each shall have the right to strike one of the three arbitrators' names if they are unable to agree upon a single arbitrator from amongst the three. The arbitration shall be conducted in accordance with the rules of the American Arbitration Association to be consistent with the provisions of this section. The parties each shall have the right to strike one of the three arbitrators' names if they are unable to agree upon a single arbitrator from amongst the three. The board of education shall determine the process for selecting arbitrators for the pool. The fee for the arbitration shall be split equally between the two parties involved in the arbitration.

At the arbitral hearing, the teacher and the school district may be represented by an attorney or other representative, present evidence, and call witnesses and the school district shall have the burden of proof. In determining whether the district has proven grounds for dismissal consistent with this section, the arbitrator shall consider the best interests of the pupils in the district and the need for elevation of performance standards.

The arbitrator's decision shall be issued within one month from the completion of the arbitral hearing, unless all parties involved agree otherwise, and shall contain a detailed statement of the reasons for the decision. Upon a finding that the dismissal was improper

under the standards set forth in this section, the arbitrator may award back pay, benefits, reinstatement, and any other appropriate non-financial relief or any combination thereof. Under no circumstances shall the arbitrator award punitive, consequential, or nominal damages, or compensatory damages other than back pay, benefits or reinstatement. In the event the teacher is reinstated, the period between the dismissal and reinstatement shall be considered to be time served for purposes of employment. The arbitral decision shall be subject to judicial review as provided in chapter one hundred and fifty C. With the exception of other remedies provided by statute, the remedies provided hereunder shall be the exclusive remedies available to teachers for wrongful termination. The rules governing this arbitration procedure shall be the rules of the American Arbitration Association as pertains to arbitration.

Neither this section nor section forty-one shall affect the right of a superintendent to lay off teachers pursuant to reductions in force or reorganization resulting from declining enrollment or other budgetary reasons. No teacher with professional teacher status shall be laid off pursuant to a reduction in force or reorganization if there is a teacher without such status for whose position the covered employee is currently certified. No teacher with such status shall be displaced by a more senior teacher with such status in accordance with the terms of a collective bargaining agreement or otherwise unless the more senior teacher is currently qualified pursuant to section thirty-eight G for the junior teacher's position.

SECTION 45. Section forty-two A of said chapter seventy-one is hereby repealed.

SECTION 46. Said chapter 71 is hereby further amended by striking out section 42B, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 42B. The provisions of this chapter relating to school personnel granted certificates in accordance with section thirty-eight G shall apply to all such school personnel employed by regional school districts. Any such school personnel who have professional teacher status or other rights under section forty-one in a particular school district, whose positions are superseded by reasons of the establishment and operation of a regional school district, shall be employed with the same status by the regional school district.

All such school personnel employed by regional school districts shall initially be placed on the salary schedule of the district so that compensation to be paid to such school personnel shall not be less than the compensation received by such school personnel while previously employed with the same status.

Such school personnel shall also be given credit by the regional school district committee for all accumulated sick leave and accumulated sabbatical leave years of service while employed with such status and for terminal compensation due such school personnel on the termination of such service.

All such personnel without such status in a city or town in the district whose positions are superseded by reason of the establishment and operation of a regional school district shall be elected to serve in such district by the regional school district committee; provided, however, that there is an available position which such person is certified to fill. All such personnel employed by regional school district committees shall initially be placed

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on the salary schedule of the regional school district so that the compensation paid to such school personnel shall not be less than the compensation received by such school personnel while previously employed by a local school committee. Such school personnel shall also be given credit by the regional school district committee for all accumulated sick leave, accumulated time towards service with such status, and accumulated sabbatical leave years of service, and for terminal compensation due such school personnel on the termination of such service.

Any employee subject to the provisions of chapter thirty-one, employed by the school committee of a town, whose position is superseded by reason of the establishment and operation of a regional school district shall be employed by the regional school district without loss of any civil service or other rights previously acquired by him.

This section shall also apply to all school personnel with such status of local trustees for vocational education, and any such school personnel whose positions are superseded by reason of the establishment and operation of a regional school district shall be employed by the regional school district with the same status.

Any such school personnel, employed by a regional school district, whose position is abolished or eliminated by reason of the disestablishment and discontinuance of the regional school district or the withdrawal of a member community from such district shall be employed by one of the withdrawing city or town school committees, and if any such personnel have such status, such personnel shall be employed by such city or town, school committee with the same status. In the event that there are not sufficient teaching positions available in the withdrawing city or town school systems, such personnel shall be offered the available positions for which they are currently certified in the order of their seniority in the regional school district. All such personnel so employed by a city or town school district shall initially be placed on the salary schedule of such city or town school district so that the compensation paid to such school personnel shall not be less than the compensation received by such school personnel while previously employed by the regional school district. Such school personnel also shall be given credit by the city or town school committee for all accumulated sick time, accumulated time towards service with such status, and accumulated sabbatical leave years of service, and for terminal compensation due such school personnel on the termination of such service.

SECTION 47. Said chapter 71 is hereby further amended by striking out section 42D, as so appearing, and inserting in place thereof the following section:-

Section 42D. The superintendent may suspend any employee of the school district subject to the provisions of this section. The principal of a school may suspend any teacher or other employee assigned to the school subject to the provisions of this section. Any employee shall have seven days written notice of the intent to suspend and the grounds upon which the suspension is to be imposed; provided, however, that the superintendent may, for good cause, require the immediate suspension of any employee, in which case the employee shall receive written notice of the immediate suspension and the cause therefor at the time the suspension is imposed. The employee shall be entitled (i) to review the decision to suspend with the superintendent or principal if said decision to suspend was made by the

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principal; (ii) to be represented by counsel in such meetings; (iii) to provide information pertinent to the decision and to the employee's status.

No teacher or other employee shall be suspended for a period exceeding one month, except with the consent of the teacher or other employee, and no teacher or other employee shall receive compensation for any period of lawful suspension.

No teacher shall be interrogated prior to any notice given to him relative to the suspension unless the teacher or other employee is notified of his right to be represented by counsel during any such investigation. A suspended teacher or other employee may seek review of the suspension by following the arbitration procedures set forth in section forty-two. Nothing in this section shall be construed as limiting any provision of a collective bargaining agreement with respect to suspension of teachers or other employees.

SECTION 48. Said chapter 71 is hereby further amended by striking out section 43, as so appearing, and inserting in place thereof the following section:-

Section 43. The salary of no teacher employed with professional teacher status in any city or town except Boston shall be reduced without his consent except by a general salary revision affecting equally all teachers of the same salary grade in the town or except in connection with a reduction in status from full-time to part-time pursuant to a reduction in force resulting from declining enrollments or other budgetary reasons or pursuant to reorganizations for academic or budgetary reasons. Nothing in this section or in any other section of this chapter shall be construed to prevent a school district from entering into an individual annuity contract for such employee or from reducing the salary or compensation of such employee pursuant to such agreement for the purpose of such purchase as authorized by section thirty-seven B.

SECTION 49. Sections forty-three A and forty-three B of said chapter seventy-one are hereby repealed.

SECTION 50. Section 47A of said chapter 71, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 1, the word "committee" and inserting in place thereof the word:- superintendent.

SECTION 51. Said chapter 71 is hereby further amended by striking out section 48, as so appearing, and inserting in place thereof the following section:-

Section 48. The principal at each school, subject to the direction of the superintendent, shall, at the expense of the school district, purchase textbooks and other school supplies, and consistent with the district policy, shall loan them to the pupils attending such school free of charge. If instruction is given in the manual and domestic arts, the principal may so purchase and loan the necessary tools, implements and materials. The principal shall also, at like expense, procure such apparatus, reference books and other means of illustration, as may be needed. Said purchases shall be made in accordance with chapter thirty B and within the purchasing guidelines adopted by the municipality where such purchases are made if such guidelines exist.

SECTION 52. Section 59 of said chapter 71, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following four sentences:- A superintendent employed under this section or section sixty or sixty-three

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shall manage the system in a fashion consistent with state law and the policy determinations of that school committee. Upon the recommendation of the superintendent, the school committee may also establish and appoint positions of assistant or associate superintendents, who shall report to the superintendent, and the school committee shall fix the compensation paid to such assistant or associate superintendents. The school committee shall approve or disapprove the hiring of said positions. Such approval by the school committee of the recommendation shall not be unreasonably withheld; provided, however, that upon the request of the superintendent the school committee shall provide an explanation of disapproval.

SECTION 53. Said chapter 71 is hereby further amended by striking out section 59B, as so appearing, and inserting in place thereof the following three sections:-

Section 59B. The superintendent of a school district shall appoint principals for each public school within the district at levels of compensation determined in accordance with policies established by the school committee. Principals employed under this section shall be the educational administrators and managers of their schools and shall supervise the operation and management of their schools and school property, subject to the supervision and direction of the superintendent. Principals employed under this section shall be responsible, consistent with district personnel policies and budgetary restrictions and subject to the approval of the superintendent, for hiring all teachers, instructional or administrative aides, and other personnel assigned to the school, and for terminating all such personnel, subject to review and prior approval by the superintendent and subject to the provisions of this chapter. This section shall not prevent one person from serving as the principal of two or more elementary schools or the use of teaching principals in such schools.

It shall be the responsibility of the principal in consultation with professional staff of the building to promote participatory decision making among all professional staff for the purpose of developing educational policy.

The school superintendent of a city or town or regional school district including vocational-technical schools, may also appoint administrators and other personnel not assigned to particular schools, at levels of compensation determined in accordance with policies established by the school committee.

Section 59C. At each public elementary, secondary and independent vocational school in the commonwealth there shall be a school council consisting of the school principal, who shall co-chair the council; parents of students attending the school who shall be selected by the parents of students attending such school who will be chosen in elections held by the local recognized parent teacher organization under the direction of the principal, or if none exists, chosen by a representative process approved by the school committee. Said parents shall have parity with professional personnel on the school councils; teachers who shall be selected by the teachers in such school; other persons, not parents or teachers of students at the school, drawn from such groups or entities as municipal government, business and labor organizations, institutions of higher education, human services agencies or other interested groups; and for schools containing any of the grades nine to twelve, at least one such student; provided, however, that not more than fifty percent of the council shall be non-school members. The principal, except as otherwise provided herein, shall have the

responsibility for defining the composition of and forming the group pursuant to a representative process approved by the superintendent and school committee and for convening the first meeting no later than forty days after the first day of school, at which meeting a co-chairman shall be selected. School councils should be broadly representative of the racial and ethnic diversity of the school building and community. For purposes of this paragraph the term "non-school members" shall mean those members of the council, other than parents, teachers, students and staff of the school.

Nothing contained in this section shall require a new school council to be formed if an existing school council fulfills the intent of this section, the parent and teacher members thereof were selected in a manner consistent with the provisions of this section and the membership thereof complies with the aforesaid fifty percent requirement.

Meetings of the school council shall be subject to the provisions of sections twenty-three A, twenty-three B and twenty-three C of chapter thirty-nine.

The school council shall meet regularly with the principal of the school and shall assist in the identification of the educational needs of the students attending the school, in the review of the annual school budget, and in the formulation of a school improvement plan, as provided below.

The principal of each school, in consultation with the school council established pursuant to this section shall adopt educational goals for the schools consistent with the goals and standards including the student performance standards, adopted by the board pursuant to section one D of chapter sixty-nine, and consistent with any educational policies established for the district, shall assess the needs of the school in light of those goals, and shall formulate a school improvement plan to advance such goals, to address such needs and to improve student performance. The plan shall include an assessment of the impact of class size on student performance, and shall consider student to teacher ratios and other factors and supportive adult resources, and may include a scheduled plan for reducing class size. The plan shall address professional development for the school's professional staff, the allocation of any professional development funds in the annual school budget, the enhancement of parental involvement in the life of the school, safety and discipline, the establishment of a welcoming school environment characterized by tolerance and respect for all groups, extracurricular activities, the development of means for meeting the diverse learning needs of as many children as possible, including children with special needs currently assigned to separate programs, within the regular education programs at the school, and such further subjects as the principal, in consultation with the school council, shall consider appropriate. In school districts with language minority student populations the professional development plan under this section shall specify how the plan will address the need for training and skills in second language acquisition and in working with culturally and linguistically diverse student populations. Each school improvement plan shall be submitted to the school committee for review and approval every year. If said school improvement plan is not reviewed by the school committee within thirty days of said school committee receiving said school improvement plan, the plan shall be deemed to have been approved.

Nothing contained in this section shall prevent the school committee from granting

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a school council additional authority in the area of educational policy; provided, however, that school councils shall have no authority over matters which are subject to chapter one hundred and fifty E.

Section 59D. Superintendents and principals in every school district in the commonwealth shall pursue opportunities to establish school-community partnerships that may advance policy development, staff development, curriculum development, instructional enrichment and may provide material and financial support. The commissioner of education shall assist in and facilitate with the establishment of school-community partnerships. Subject to appropriation, the board shall establish a grant program to assist school districts in developing and implementing such partnerships.

SECTION 54. Section 67 of said chapter 71, as so appearing, is hereby amended by adding the following paragraph:-

A school district shall neither (i) employ a member of the immediate family of a superintendent, central office administrator, or school committee member, nor (ii) assign a member of the immediate family of the principal as an employee at the principal's school, unless written notice is given to the school committee of the proposal to employ or assign such person at least two weeks in advance of such person's employment or assignment. As used in this section, "immediate family" shall have the meaning assigned by subsection (e) of section one of chapter two hundred and sixty-eight A.

SECTION 55. Said chapter 71 is hereby further amended by adding the following section:-

Section 89. A charter school shall be a public school, operated under a charter granted by the secretary of education, which operates independently of any school committee and is managed by a board of trustees. The board of trustees of a charter school, upon receiving a charter from the secretary of education, shall be deemed to be public agents authorized by the commonwealth to supervise and control the charter school.

The purposes for establishing charter schools are: (1) to stimulate the development of innovative programs within public education; (2) to provide opportunities for innovative learning and assessments; (3) to provide parents and students with greater options in choosing schools within and outside their school districts; (4) to provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction and school structure and management; (5) to encourage performance-based educational programs and; (6) to hold teachers and school administrators accountable for students' educational outcomes.

Persons or entities eligible to submit an application to establish a charter school shall include, but not be limited to, a business or corporate entity, two or more certified teachers or ten or more parents. Said application may be filed in conjunction with a college, university, museum or other similar entity. Private and parochial schools shall not be eligible for charter school status.

The secretary of education shall establish the information needed in an application for the approval of a charter school; provided, however, that said application shall include the method for admission to a charter school. There shall be no application fee for admission

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to a charter school.

Applications to establish a charter school shall be submitted each year by February fifteenth. The secretary of education shall review the applications no later than March fifteenth.

The secretary of education shall make the final determination on granting charter school status and may condition charters on the charter school's taking certain actions or maintaining certain conditions. No more than twenty-five charter schools shall be allowed to operate in the commonwealth at any time. Of these, no more than five shall be located in the city of Boston; no more than five shall be located in the city of Springfield; and no more than two shall be located in any other city or town. Under no circumstances shall the total number of students attending charter schools in the commonwealth be allowed to be greater than three-quarters of one percent of the total number of students attending public schools in the commonwealth.

A charter school established under a charter granted by the secretary shall be a body politic and corporate with all powers necessary or desirable for carrying out its charter program, including, but not limited to, the following:

(a) to adopt a name and corporate seal; provided, however, that any name selected must include the words "charter school";

(b) to sue and be sued, but only to the same extent and upon the same conditions that a town can be sued;

(c) to acquire real property, from public or private sources, by lease, lease with an option to purchase, or by gift, for use as a school facility;

(d) to receive and disburse funds for school purposes;

(e) to make contracts and leases for the procurement of services, equipment and supplies; provided, however, that if the board intends to procure substantially all educational services under contract with another person, the terms of such a contract must be approved by the secretary, either as part of the original charter or by way of an amendment thereto; provided, further, that the secretary shall not approve any such contract terms, the purpose or effect of which is to avoid the prohibition of this section against charter school status for private and parochial schools;

(f) to incur temporary debt in anticipation of receipt of funds;

(g) to solicit and accept any grants or gifts for school purposes;

(h) to have such other powers available to a business corporation formed under chapter one hundred and fifty-six B that are not inconsistent with this chapter.

Charter schools shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, or proficiency in the English language, and academic achievement. Charter schools may limit enrollment to specific grade levels or areas of focus of the school, such as mathematics, science or the arts.

A charter school may establish reasonable academic standards as a condition for eligibility for applicants. Preference for enrollment in a charter school shall be given to stud-

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dents who reside in the city or town in which the charter school is located. If the total number of students who are eligible to attend and apply to a charter school and who reside in the city or town in which the charter school is located, or are siblings of students already attending said charter school is greater than the number of spaces available, then an admissions lottery shall be held to fill all of the spaces in that school from among said students. If there are more spaces available than eligible applicants from the city or town in which said charter school is located and who are siblings of current students, and more eligible applicants than spaces left available, then a lottery shall be held to determine which of said applicants shall be admitted. There shall be no tuition charge for students attending charter schools.

A student may withdraw from a charter school at any time and enroll in a public school where said student resides. A student may be expelled from a charter school based on criteria determined by the board of trustees, and approved by the secretary of education, with the advice of the principal and teachers.

A charter school may be located in part of an existing public school building, in space provided on a private work site, in a public building, or any other suitable location. A charter school may own, lease or rent its space.

A charter school shall operate in accordance with its charter and the provisions of law regulating other public schools; provided, however, that the provisions of sections forty-one and forty-two shall not apply to employees of charter schools. Charter schools shall comply with the provisions of chapters seventy-one A and seventy-one B; provided, however, that the fiscal responsibility of any special needs student currently enrolled in or determined to require a private day or residential school shall remain with the school district where the student resides.

Students in charter schools shall be required to meet the same performance standards, testing and portfolio requirements set by the board of education for students in other public schools.

The board of trustees, in consultation with the teachers, shall determine the school's curriculum and develop the school's annual budget.

Employees of charter schools shall be considered public employees for purposes of tort liability under chapter two hundred and fifty-eight and for collective bargaining purposes under chapter one hundred and fifty E. The board of trustees shall be considered the public employer for purposes of tort liability under said chapter two hundred and fifty-eight and for collective bargaining purposes under said chapter one hundred and fifty E. Teachers employed by a charter school shall be subject to the state teacher retirement system under chapter thirty-two and service in a charter school shall be "creditable service" within the meaning thereof.

Each local school district shall be required to grant a leave of absence to any teacher in the public schools system requesting such leave in order to teach in charter schools. A teacher may request a leave of absence for up to two years.

At the end of the two year period, the teacher may make a request to the superintendent that such leave be extended for an additional two years, and approval for said request shall not be unreasonably withheld or he may return to his former teaching position. At the

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end of the fourth year, the teacher may either return to his former teaching position or, if he chooses to continue teaching at the charter school, resign from his school district position.

Notwithstanding section fifty-nine C, the internal form of governance of a charter school shall be determined by the school's charter.

A charter school shall comply with all applicable state and federal health and safety laws and regulations.

The children who reside in the school district in which the charter school is located shall be provided transportation to the charter school by the resident district's school committee on the same terms and conditions as transportation is provided to children attending local district schools. Students who do not reside in the district in which the charter school is located shall be eligible for transportation in accordance with section twelve B of chapter seventy-six.

Each charter school shall submit to the secretary, to each parent or guardian of its enrolled students, and to each parent or guardian contemplating enrollment in that charter school an annual report. The annual report shall be issued no later than August first of each year for the preceding school year. The annual report shall be in such form as may be prescribed by the secretary of education and shall include at least the following components:

(a) discussion of progress made toward the achievement of the goals set forth in the charter;

(b) a financial statement setting forth by appropriate categories, the revenue and expenditures for the year just ended.

Individuals or groups may complain to a charter school's board of trustees concerning any claimed violation of the provisions of this section by the school. If, after presenting their complaint to the trustees, the individuals or groups believe their complaint has not been adequately addressed, they may submit their complaint to the secretary of education who shall investigate such complaint and make a formal response.

A charter granted by the secretary of education shall be for five years. The secretary of education may revoke a school's charter if the school has not fulfilled any conditions imposed by the secretary of education in connection with the grant of the charter or the school has violated any provision of its charter. The secretary may place the charter school on a probationary status to allow the implementation of a remedial plan after which, if said plan is unsuccessful, the charter may be summarily revoked.

The secretary shall develop procedures and guidelines for revocation and renewal of a school's charter.

Notwithstanding the foregoing, no school building assistance funds, so-called, shall be awarded to a charter school for the purpose of constructing, reconstructing or improving said school.

Charter schools shall be funded as follows: If a student attending a charter school resides in a community with a positive foundation gap, the district of the city or town in which said student resides shall pay to the charter school an amount equal to the average cost per student in said district. If a student attending a charter school resides in a community that does not have a positive foundation gap pursuant to chapter seventy, the district of the

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city or town in which said student resides shall pay to the charter school an amount equal to the lesser of: (i) the average cost per student in said district; and (2) the average cost per student in the district in which the charter school is located.

SECTION 56. Section 1 of chapter 74 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following definition:-

"Vocational-technical education", organized education programs offering sequences of courses designed to educate and prepare students for both employment and continuing academic and occupational preparation. Such programs shall integrate academic and vocational education and shall include competency based applied learning which contributes to an individual's academic knowledge, higher order reasoning, and problem solving skills, work attitudes, general employability skills and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. Vocational-technical education shall also include applied technology education to be taught by personnel certified in technology education.

SECTION 57. Section 2 of said chapter 74, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The commissioner, under the direction of the state board, shall approve or disapprove vocational-technical programs in accordance with regulations published by the board; provided, however, that said regulations shall more heavily favor an outcome-oriented approach for approval of such programs over a quantitative approach which solely measures time spent on lab instruction; provided, further, that said regulations shall consider a program's intention to integrate vocational and academic instruction and to train students in all aspects of a chosen industry.

SECTION 58. Section eight of said chapter seventy-four is hereby repealed.

SECTION 59. Section twenty-one A of said chapter seventy-four is hereby repealed.

SECTION 60. Section 22E of said chapter 74, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 3, the words "at its discretion" and inserting in place thereof the following words:- with professional teacher status.

SECTION 61. Chapter 76 of the General Laws is hereby amended by striking out section 12B, as amended by section 23 of chapter 6 of the acts of 1991, and inserting in place thereof the following section:-

Section 12B. (a) As used in this section, the following terms shall have the following meanings:

"Above foundation reimbursement amount", (i) for fiscal year nineteen hundred and ninety-four, fifty percent of the net losses due to the provisions of this section; provided, however, that if the amount lost by said district pursuant to subsection (f) is greater than two percent of the total school budget of said district, the amount of said reimbursement shall be equal to seventy-five percent of the net losses due to the provisions of this section; (ii) for fiscal year nineteen hundred and ninety-five, twenty-five percent of the net losses due to the provisions of this section; (iii) for all fiscal years after nineteen hundred and ninety-five, zero.

"Receiving district", any city, town or regional school district within the commonwealth in which a child does not reside, but in which that child attends public school under the provisions of this section.

"Sending district", any city, town or regional school district within the commonwealth in which a child resides, but in which that child does not attend public school under the provisions of this section.

"State school choice limit", in fiscal year nineteen hundred and ninety-four, one percent of the total number of students attending public schools in the commonwealth; in fiscal year nineteen hundred and ninety-five, one and one-half percent of the total number of students attending public schools in the commonwealth; in fiscal year nineteen hundred and ninety-six, one and three-quarters percent of the total number of students attending public schools in the commonwealth; in fiscal year nineteen hundred and ninety-seven and thereafter, two percent of the total number of students attending public schools in the commonwealth; provided, however, that students enrolled under the program for the elimination of racial imbalance as provided in section twelve A shall not be counted toward these limits.

(b) Notwithstanding the provisions of section twelve, or any other special or general law to the contrary, any child may attend a public school, in a city or town where he does not reside; provided, however, that the receiving district shall be paid by the commonwealth a tuition rate as established in subsection (f).

(c) Not later than May first of every year, the school committee of each city, town or regional school district shall submit a report to the department stating:

(1) The capacity of each school in said city, town or regional school district for the following academic year.

(2) The number of students expected to attend each school in said city, town or regional school district in the following academic year.

(3) The number of students attending said school district under the terms of this section in the prior school year and the number of those students who are expected no longer to be attending said school district in the next school year.

(4) The number of additional seats therefore available to non-resident students reduced by the number of students enrolled under the program for the elimination of racial imbalance as provided in section twelve A, in said charter school or each school in said city, town or regional school district. The board may require every district to update this report in whatever manner is required to effectuate the objectives of this section.

(d) Each city, town or regional school district shall enroll non-resident students at the school of such non-resident student's choice; provided, however, that such receiving district has seats available as stated in said report; provided, however, that this obligation to enroll non-resident students shall not apply to a district for a school year in which its school committee, prior to June first, after a public hearing, adopts a resolution withdrawing from said obligation, for the school year beginning the following September. Any such resolution of a school committee shall state the reasons therefor, and such resolution with said reasons shall be filed with the department of education; provided, however, that said department shall have no power to review any such decision by a school committee. If the city, town

or regional school district operates an intra-district choice plan, non-resident students may apply for schools on the same basis as resident students, but the intra-district choice plan may give preference to resident students in assigning students to schools.

(e) Not later than the first day of July, each city, town or regional school district shall each year submit a non-resident attendance report to the board and to the state treasurer, certifying the number of non-resident applicants for each available seat in each school, the disposition of their applications, how many of said applicants will be attending the district in the next school year, the identity of the sending districts for those students, the annual amount of tuition for each such child and the total tuition owed to the district based on full or partial attendance, itemized by the amount attributable to each city or town of residence. The board may review said certification to determine that the amount of the individual tuition charged for each child is in accordance with the provisions of this section and shall inform the state treasurer of any errors. The department may also, on a post-audit basis, verify the admission and attendance of the number of children certified by each school district. In addition to the foregoing, all said districts shall, on October first and April first, report to the board and certify to the state treasurer accurate and up to date reports of all the information required in the non-resident attendance report. If the total number of students admitted to receiving districts pursuant to this section is greater than the state school choice limit, the board shall notify all districts that no more students may be accepted pursuant to this section.

(f) For each student enrolling in a receiving district, there shall be a school choice tuition amount. Said tuition amount shall be equal to seventy-five percent of the actual per pupil spending amount in the receiving district, but not more than five thousand dollars; provided, however, that for special education students whose tuition amount shall remain the expense per student for such type of education as is required by such non-resident student. The state treasurer is hereby authorized and directed to deduct said school choice tuition amount from the total education aid, as defined in chapter seventy, of said student's sending district, prior to the distribution of said aid. In the case of a child residing in a municipality which belongs to a regional school district, the school choice tuition amount shall be deducted from said chapter seventy education aid of the school district appropriate to the grade level of the child. If, in a single district, the total of all such deductions exceeds the total of said education aid, this excess amount shall be deducted from other aid appropriated to the city or town. If, in a single district, the total of all such deductions exceeds the total state aid appropriated, the commonwealth shall appropriate this excess amount; provided, however, that if said district has exempted itself from the provisions of chapter seventy by accepting section fourteen of said chapter, the commonwealth shall assess said district for said excess amount.

(g) The state treasurer is further directed to disburse to the receiving district an amount equal to each student's school choice tuition as defined in subsection (f).

(h) There shall be a parent information system established, maintained and developed by the board of education to disseminate to parents detailed and comparable information about each school system participating in the school choice program, so-called, which shall include, but not be limited to, information on special programs offered by the

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school, philosophy of the school, number of spaces available, transportation plans, class sizes, teacher/student ratios, and data and information on school performance that indicate its quality. Said information shall include the school profiles, so-called, developed pursuant to section one B of chapter sixty-nine. The board may include information regarding regional choice initiatives as deemed appropriate. The system shall have as its primary goal to ensure that all parents have an equal opportunity to participate in the program of interdistrict choice. The board of education, when disseminating this information shall encourage the parent and student to make at least one visit to the school of choice as part of the application procedure.

(i) Subject to appropriation, the board of education shall develop and administer a school choice transportation reimbursement program for the purpose of providing reimbursement for the transportation of pupils enrolled under the provisions of this section. Pupils eligible for said reimbursement must be eligible to receive free or reduced cost lunches under eligibility guidelines promulgated by the federal government under 42 USC section 1758. The board may limit said reimbursement to a yearly amount. The types of transportation to be reimbursed pursuant to said program shall include, but need not be limited to, the following: (1) transportation by school buses provided by the sending or receiving district; (2) transportation provided by the parent or guardian of the child; (3) transportation provided by public transportation. All eligible pupils who attend a school district contiguous to the school district of residence of such pupil shall be eligible for said reimbursement. If cost-effective transportation alternatives exist for pupils who attend districts not contiguous to the school districts of residence of such pupil, the board may provide a transportation reimbursement. Said reimbursements may be paid to the district in which the pupil is enrolled, the district of residence of the student, or the parent, guardian or person acting as guardian of the student; provided, however, that said district or parent provide documentation of the transportation expenditure. The board of education shall promulgate regulations for the program to be placed on file with the joint committee on education, arts and humanities of the general court. The board of education shall disseminate information to parents and school systems detailing the availability of said transportation reimbursements. A full description of said school choice transportation reimbursement program shall be submitted to the house and senate committees on ways and means and shall not become effective until ninety days after said submission. Notwithstanding the second paragraph of section one, nothing in this section shall confer upon any student attending a private school any right to transportation or reimbursement therefor.

(j) School committees may establish terms for accepting non-resident students; provided, however, that if the number of non-resident students applying for acceptance to said district exceeds the number of available seats, said school committee shall select students for admission on a random basis; provided, further, that said school committee shall conduct said random selection twice: one time prior to July first and one time prior to November first; provided, further, that no school committee shall discriminate in the admission of any child on the basis of race, color, religious creed, national origin, sex, age, sexual orientation, ancestry, athletic performance, physical handicap, special need or academic

performance or proficiency in the English language. The Massachusetts commission against discrimination, established by section fifty-six of chapter six, shall have jurisdiction to enforce the provisions of this section; provided, however, that all students described in subsection (m) shall be entitled to remain in the receiving districts they are attending or have been accepted to attend. Any school committee that accepts non-resident students under the provisions of this section shall notify each district from which it has accepted a non-resident student of its acceptance of that student; provided, however, that a school committee may not publicly release the names of students leaving or entering a district under the provisions of this section.

(k) Any child accepted to attend a public school in a community other than the one in which he resides pursuant to this section shall be permitted to remain in that school system until his high school graduation, unless there is a lack of funding of the program as authorized by said sections.

(l) Notwithstanding the provisions of this section or any general or special law to the contrary, any school district which admitted children on a private tuition basis prior to June thirtieth, nineteen hundred and ninety-one may continue, on that basis, to admit any child who attended its school system prior to that date, as well as any sibling or step-sibling of such child and any foster child residing in the home of such child.

(m) Any student who, pursuant to the provisions of this section, has been attending or has been admitted to attend a public school of a city or town in which he does not reside and for whom the commonwealth has been paying tuition or, in the case of a student recently admitted, would be required to pay tuition in the coming year, shall be deemed to be a student admitted pursuant to paragraph (j), and shall be subject to all of the provisions of this section; provided, however, that said students shall be allowed to remain in said school notwithstanding any determination of capacity or decision by the receiving district to withdraw made pursuant to this section.

(n) Subject to appropriation, any sending district for which the provisions of subsection (f) result in a reduction in state aid shall be eligible to apply for a school choice reimbursement from the commonwealth. If said sending district does not have a positive foundation gap, as defined in chapter seventy, the amount of said reimbursement shall be the above foundation reimbursement amount for that fiscal year. If said sending district does have a positive foundation gap, the amount of said reimbursement shall be equal to one hundred percent of the positive difference, if any, between (i) the amount transferred pursuant to subsection (f), and (ii) the product of the number of students leaving the sending district and the average per pupil expenditure in the sending district; provided, however, that if any district has exempted itself from the provisions of said chapter seventy by accepting section fourteen of said chapter seventy, the district shall be ineligible for a reimbursement under this subsection; provided, further, that if any district that does not have a positive foundation gap becomes a sending district for the first time in fiscal year nineteen hundred and ninety-five or any year thereafter, the reimbursement amount for that district in the first year that it is a sending district shall be the fiscal year nineteen hundred and ninety-four reimbursement amount; the reimbursement amount for that district in its second year as a

sending district shall be the fiscal year nineteen hundred and ninety-five reimbursement amount. Said reimbursement application shall be submitted to the department of education on or before October first of each year together with an educational corrective action plan containing information, recommendations, and suggestions relative to (1) areas needing improvement within the school system of the applicant, (2) methods of improvement to be employed, (3) goals and objectives of said improvement, (4) evaluation and control methods to be used, (5) personnel to be engaged in such improvement, (6) results intended to be accomplished within one year from the date of application, and (7) methods of increasing parental involvement to be employed; provided, however, that any community or regional school district that has a previously approved plan need not refile said plan; provided, further, that approval of said plan by said board shall act as a condition precedent to the distribution of said reimbursement to the applicant community or regional school district. Under no circumstances shall the total amount expended pursuant to subsections (h) and (i) and to reimburse sending districts, pursuant to this paragraph, be greater than twenty million dollars. If, in any year, the total amount that would be required to reimburse said cities at said rates would be greater than twenty million dollars, then the reimbursement rates shall be reduced proportionately to those rates at which the total cost does not exceed twenty million dollars.

(o) The commonwealth and the school committee of any town may accept funds from the federal government for the purposes of this section. Any amounts received by the school committee of any town from the federal government, from the commonwealth or from a charitable foundation or private institution shall be deposited with the treasurer of such town and held as a separate account, and may be expended by said school committee without further appropriation, notwithstanding the provisions of section fifty-three of chapter forty-four. Whenever such funds are received after the submission of the annual school budget, all or any portion thereof may be expended by the school committee without further appropriation, but shall be accounted for in the next annual school budget.

SECTION 62. The definition of "Employer" or "public employer" in section 1 of chapter 150E of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the second sentence the following two sentences:- For this purpose, the chief executive officer of a city or town shall participate and vote as a member of the city or town school committee; provided, however, that if there is no town manager or town administrator in a town, the chairman of the board of selectmen shall so participate and vote. In the case of a regional school district, said chief executive officers or chairmen of boards of selectmen, as the case may be, of the member cities and towns shall, in accordance with regulations to be promulgated by the board of education, elect one of their number to represent them pursuant to the requirements of this section.

SECTION 63. Section 3 of chapter 214 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

(14) Actions brought by the attorney general in the name of the commonwealth or by any ten citizens of a city or town to compel the city or town to appropriate for the support of public education the amounts that the city or town is required to appropriate for such purpose

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by chapter seventy.

SECTION 64. Section seven of chapter four hundred and sixty-four of the acts of nineteen hundred and seventy-two is hereby repealed.

SECTION 65. Section eight of chapter eight hundred and forty-seven of the acts of nineteen hundred and seventy-three is hereby repealed.

SECTION 66. Section 4 of chapter 493 of the acts of 1991 is hereby amended by striking out the second sentence.

SECTION 67. This act shall apply to all cities, towns, and regional school districts, notwithstanding section twenty-seven C of chapter twenty-nine of the General Laws and without regard to any acceptance or appropriation by a city, town, or regional school district or to any appropriation by the general court.

SECTION 68. Subject to appropriation, in addition to the adjusted prior year amount specified in section twelve of chapter seventy of the General Laws the state appropriation for school aid and the educational purposes set forth in said chapter seventy shall be increased based on the following schedule. In fiscal year nineteen hundred and ninety-four, the appropriation shall increase one hundred and seventy-five million dollars. In fiscal year nineteen hundred and ninety-five, the appropriation shall increase an additional one hundred and eighty million dollars. In fiscal year nineteen hundred and ninety-six, the appropriation shall increase an additional one hundred and eighty million dollars. In fiscal year nineteen hundred and ninety-seven, the appropriation shall increase an additional one hundred and eighty million dollars. In fiscal year nineteen hundred and ninety-eight, the appropriation shall increase an additional one hundred and eighty million dollars. In fiscal year nineteen hundred and ninety-nine, the appropriation shall increase an additional one hundred and ninety million dollars. In fiscal year two thousand, the appropriation shall increase an additional one hundred and ninety million dollars. The dollar amounts specified in this paragraph shall be adjusted for inflation by multiplying the amounts for fiscal year nineteen hundred and ninety-five and subsequent years by the ratio of the value of the implicit price deflator for state government services in the third quarter of the prior calendar year to the value of that same deflator in the third quarter of nineteen hundred and ninety-three. In no case shall this adjustment factor be greater than what would be derived by a four percent annual adjustment compounded on a yearly basis.

Not later than March first, nineteen hundred and ninety-four, the department of education shall report to the house and senate committees on ways and means: (1) the amount of funds required to eliminate the foundation gap, as defined in section two of chapter seventy of the General Laws, for every school district in the commonwealth; (2) the funds thereafter remaining within the limits provided in this section; and (3) how said remaining funds may be used to reimburse all cities and towns for increases in education costs caused by inflation or to accelerate the rate at which foundation gaps are eliminated.

SECTION 69. Teachers' appeals of terminations that were commenced in the trial court before the effective date of this act may continue to proceed and be reviewed under the provisions of section forty-two of chapter seventy-one of the General Laws in effect prior to this act.

SECTION 70. There is hereby established a special commission to develop a plan to provide pre-kindergarten children ages three to four the opportunity to participate in a developmentally appropriate early childhood education program. Said commission shall include in its considerations existing programs such as public and private early childhood and head start programs. The minimum goal of said plan shall be to provide such opportunity to every child who satisfies the state eligibility standard at no cost to the child's family. The commission shall also consider in its deliberations (i) methods of providing every child in the commonwealth access to such opportunities and the feasibility and advisability of charging the families of "non-low-income" children a reasonable tuition for enrollment in a program; provided, however, sliding scale or other income based considerations shall be incorporated in any tuition available plan, (ii) methods of contracting with private early childhood providers including head start programs for services contemplated by this section, (iii) methods to provide statewide outreach to parents of pre-kindergarten children to assist them in providing quality learning opportunities for their children in the home as well as assisting parents to complete their own education, (iv) exploring the feasibility of providing the school district with the option of implementing a full day kindergarten, (v) requiring that teachers in such programs be certified; provided, however, that the commission shall give full consideration to the CDA and OFC certification requirements currently in place. Said commission shall include in its final and any interim reports the costs associated with implementation of its recommendations and the funding sources used to meet such costs as well as any recommendation on other funding mechanism for funding early childhood education in the commonwealth.

The members of the commission shall include the following members to be appointed by the governor: a representative of the executive office of human services, a representative of the board of education or the secretary of education, a representative of the office for children, a representative of the department of public welfare, a representative of the department of social services, a head start director as recommended by the Massachusetts Head Start Directors Association, a representative of private day care providers as recommended by the Massachusetts Association of Day Care Agencies, a head start parent as recommended by the Massachusetts Head Start Association, a parent with a child in private day care as recommended by the Parents United for Child Care, an early childhood education teacher; provided, however, that said teacher shall be CDA certified. Said commission shall issue its final plan to the board of education and the house and senate clerks no later than April thirtieth, nineteen hundred and ninety-four. Said plan shall be implemented by July first, nineteen hundred and ninety-five. The minimum goals shall be accomplished on or before July first, nineteen hundred and ninety-seven.

SECTION 71. The advisory council for comprehensive interdisciplinary health education and human service programs, established pursuant to section one G of chapter fifteen of the General Laws, shall be charged with conducting a survey of all school districts' health programs to include grade level, contents and time spent in said curriculum.

The advisory council shall be charged with conducting a survey of existing comprehensive health education programs inside and outside the commonwealth and study

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future trends in health education and human services for public school students. The advisory council shall report its findings to the board by December thirty-first, nineteen hundred and ninety-three and each year thereafter the council shall develop a model program to be utilized by school districts for their own programs.

SECTION 72. Each school district in the commonwealth shall no later than September first, nineteen hundred and ninety-four submit to the board of education a plan to eliminate the general track, so-called, in all district schools. Said plan shall indicate what program options a school district may determine necessary to offer students in place of general track programming and may include, but not be limited to, the creation or expansion of the following:- techprep, 2+2 programs so-called, apprenticeships and worksite training, job corps type programs, alternative learning centers, vocational-occupational programs, and college preparation programs. Said plan may also include collaboration between school districts toward accomplishment of this goal. The commissioner shall, no later than December first, nineteen hundred and ninety-five, submit an action plan to the board and the general court to eliminate the general track, so-called, in all school districts in the commonwealth. The action plan shall be based on the plans submitted by school districts and shall include funding recommendations. The commissioner shall also provide technical assistance to school districts in the development of curricula to facilitate the elimination of the general track.

SECTION 73. The board of education shall conduct a study to determine the special education services which are being provided to students pursuant to chapter seventy-one B of the General Laws. The study shall report the number of children in the commonwealth who are receiving specific, individual services and shall identify the services and associated costs for individual students. Said study shall recommend the extent to which districts ought to be eligible for additional financial assistance for each special education student attending school, either public or private, within that district. Said study shall determine the extent to which special education monies are spent on health care services. Said study shall examine alternative methods of cost sharing for medical and other related services for the purpose of providing fiscal relief to local school districts. Said study shall evaluate the feasibility and likely effectiveness of utilizing state human service agencies in diverting children from out of home placements by involving a representative from an appropriate agency of the executive office of health and human services in any individual education meeting where it is likely that the child will be determined to need a placement outside of their local community. The results of said study shall be filed with the board of education and with the joint committee on education, arts and humanities on or before the last Wednesday in December, nineteen hundred and ninety-three.

SECTION 74. The governor shall appoint a special commission to study the effectiveness and implementation of bilingual education programs in the commonwealth. Said commission shall consist of ten members, one of whom shall be the secretary of education who shall serve as chairman, one of whom shall be a director of bilingual education from a college or university that trains bilingual education teachers, one of whom shall be a director of bilingual education from a large urban school system having bilingual

programs in several languages; one of whom shall be a person who trains teachers of English as a second language; three of whom shall be parents of children who have been in bilingual education programs representing three different language groups; and three of whom shall be representatives from outside the state or local educational system who have experience with the strengths and weaknesses of bilingual education programs in the commonwealth. Said commission's study shall include, but not be limited to, an examination of the current methodology, content, and quality of bilingual education, the length of time that students remain in bilingual programs, and the certification requirements of bilingual personnel. Said commission may analyze the information pertaining to bilingual education gathered by the department of education pursuant to section one I of chapter sixty-nine of the General Laws and shall submit a report along with any recommendation for what changes, if any, should be made to improve chapter seventy-one A of the General Laws. Said report shall be filed with the clerks of the house and senate and the joint committee on education, arts and humanities no later than December first, nineteen hundred and ninety-three.

SECTION 75. The department of education shall convene a working committee to devise and recommend more adequate and appropriate adult education funding mechanisms. The working committee shall include one representative from each of the following: the departments of education, public welfare, employment and training, the education and human services secretaries, the governor or lieutenant governor, two members from the education and ways and means committees selected by the senate president and speaker of the house, and not less than five representatives drawn from a diverse cross section of the adult basic education providers and advocacy groups. The working committee shall report its findings and recommend appropriate legislation not later than October fifteenth, nineteen hundred and ninety-three.

SECTION 76. There is hereby established as a public instrumentality of the commonwealth, a corporation for education excellence to be known as the Zacharias project. The corporation's board shall consist of nine members appointed by the governor and may include outstanding classroom teachers, textbook publishers, educational software innovators, members of government, and leading university and college scholars in English, mathematics, science, history-social science and foreign language. Nothing in this section shall preclude the corporation from working with the board of education or the secretary of education. It shall be the purpose of the corporation (a) to advance continual improvement in the quality of education in the public schools, (b) to strengthen the collaborative richness between world class university thinkers and school teachers, and (c) to bring in, from the outset, the commonwealth's private sector firms involved in curriculum and instructional materials, including textbook publishing and software design. The corporation shall (1) aid the effort to make the commonwealth's curricula, instructional materials, and teaching strategies equal to or better than those used in the most educationally advanced nations of the world, (2) review curricula, courses of study, textbooks, items of technology, and other instructional materials and teaching strategies drawn up beyond or within the commonwealth's borders and help adapt such material for use in the commonwealth's schools, (3) join with others to launch new initiatives that hold the promise of major progress for schools here

and around the nation and the world, and (4) to attract co-investors, co-collaborators, and purchasers from out-of-state.

SECTION 77. The provisions of sections one J and one K of chapter sixty-nine of the General Laws and sections forty-one, forty-two, and eighty-nine of chapter seventy-one of the General Laws shall not apply to employees subject to collective bargaining agreements executed prior to the effective date of this act insofar as such collective bargaining agreements are in conflict with said sections. Collective bargaining agreements effective after the date of this act shall be subject to the provisions of said sections.

SECTION 78. Subject to the approval of the board of education, the commissioner of education shall prepare a plan to carry out the policy of section thirty-eight Q of chapter seventy-one of the General Laws. Said plan shall be filed by June first, nineteen hundred and ninety-three with the governor and the general court.

SECTION 79. There shall be appointed no later than July first, nineteen hundred and ninety-three, an education reform review commission consisting of fifteen members, five of whom shall be appointed by the governor, one of whom shall be designated to chairman the commission by the governor; provided, however, that they shall not be employees of the executive branch; provided, further, that at least two of whom shall be parents of children attending public schools, one of whom shall be the president of the University of Massachusetts, who shall furnish reasonable staff support to the commission, one of whom shall be an educator at an institution of higher education who is knowledgeable in the field of public education and one of whom shall be selected by the Association of Independent Colleges and Universities of Massachusetts, one of whom shall be appointed by the president of the Massachusetts Association of School Committees, one of whom shall be a teacher selected by the Massachusetts Federation of Teachers, one of whom shall be a teacher selected by the Massachusetts Teachers Association, one of whom shall be a superintendent of schools selected by the Massachusetts Association of School Superintendents, one of whom shall be a principal selected by the Massachusetts Elementary School Principals' Association, two of whom shall be public school principals selected by the Massachusetts Secondary School Principals' Association; provided, however, that one of whom shall be a vocational-technical education administrator; and one of whom shall be a parent selected by the Massachusetts Parent Teacher Student Association.

Said commission shall monitor the extent to which the commonwealth has carried out its responsibilities under this act and the extent to which such efforts have brought about educational reform in the commonwealth. Said commission shall have the right to request from the board of education, the secretary of education, and the joint committee on education, arts, and humanities information and data pertinent to the commission's charge, which shall be provided in a reasonable manner to the commission, including without limitation the information collected pursuant to section one I of chapter sixty-nine of the General Laws. The board, the commissioner, the secretary of education, and the chairmen of the joint committee on education, arts and humanities of the general court shall make themselves available to the commission to review the activities of the commonwealth under this act. The commission shall annually file a report detailing its activities, including its

findings and conclusions, to the governor, the clerk of the house of representatives, and the clerk of the senate, and said report shall be made available to the public. Commission members shall serve for a term of seven years; provided, however, that the vacancies may be filled as they occur; provided, further, that members who are required to be parents of public school children shall be replaced within one year of the date upon which they no longer have children attending a public school.

SECTION 80. The board of education shall prepare a plan to extend the time during which students attend school to reflect prevailing norms in advanced industrial countries and to address the educational needs of children in the commonwealth. Said plan shall encourage the establishment of charter schools pursuant to section eighty-nine of chapter seventy-one of the General Laws which fulfill the goals of said plan. Said plan shall contain a practical, but timely, proposal for implementation and detail all associated costs. Said plan and recommended legislation shall be filed with the governor and the clerks of the house and senate no later than January first, nineteen hundred and ninety-five. The board of education is directed to evaluate and define the amount of time, exclusive of extracurricular activities including but not limited to lunch, recess, and other non-instructional activities, students spend in the classroom. Said report which details findings and recommendations shall be filed with the general court no later than September thirtieth, nineteen hundred and ninety-three.

SECTION 81. The board of education shall, no later than January first, nineteen hundred and ninety-five, establish student academic standards as provided in section one D of chapter sixty-nine of the General Laws.

SECTION 82. The student performance standards established by the board of education insofar as they apply to the criteria for the competency determination, the certificate of mastery and the certificate of occupational proficiency established pursuant to the provisions of section one D of chapter sixty-nine of the General Laws shall apply to students entering the ninth grade as of September first, nineteen hundred and ninety-three; provided, however, that the competency determination shall not be a condition for high school graduation until September first, nineteen hundred and ninety-eight.

SECTION 83. Notwithstanding the provisions of chapter thirty-two of the General Laws or any other general or special law to the contrary, any city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative which accepts the provisions of this section in the manner hereinafter provided shall, in cooperation with and upon the prescribed notification to the teacher's retirement board established under the provisions of section twenty of chapter thirty-two of the General Laws, establish and implement an early retirement incentive program for members of the teachers' retirement system and teachers employed by the city of Boston; provided, however, that in order to be deemed eligible for any of the benefit options under such program, a member (i) shall be employed by a city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative which has accepted the provisions of this section in a timely manner as specified in this section; (ii) shall be eligible to receive a superannuation retirement allowance in accordance with the

provisions of subdivision (1) of section five or subdivision (1) of section ten of said chapter thirty-two upon the effective retirement date specified in his written application to the teachers' retirement board or to the retirement board of the city of Boston; (iii) shall have by the date of his retirement twenty years of creditable service as a teacher in the teachers' retirement system, as a teacher in the Boston retirement system, as provided by subdivision (4) of section three of said chapter thirty-two, or in any combination thereof; and (iv) shall have filed a written application during one of the application periods specified in this section.

The early retirement incentive program authorized by this section may be offered to teachers by any accepting city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative in either nineteen hundred and ninety-three or nineteen hundred and ninety-four, but not in both years, as provided herein. Said retirement incentive shall be limited to two thousand five hundred eligible employees in nineteen hundred and ninety-three and to two thousand five hundred eligible employees in nineteen hundred and ninety-four. The annual cost to the state of the additional benefits payable in accordance with the retirement incentive program established by this section shall not exceed twenty million dollars after the second enrollment period. The teachers' retirement board, with the cooperation of the Boston employees' retirement board, if necessary, shall calculate the cost to the state of the additional benefits payable in accordance with said retirement incentive program for the first year of the incentive program and the projected cost to the state of the additional benefits payable in accordance with said retirement incentive program for the second year of the incentive program and shall report on the total actual and projected state cost of said additional benefits to the secretary of administration and finance, the joint committee on public service, and the house and senate committees on ways and means no later than December thirty-first, nineteen hundred and ninety-three. If the report finds that the actual and projected annual state cost of the additional benefits payable in accordance with said retirement incentive program will exceed twenty million dollars, the secretary of administration and finance shall recommend corrective legislation to reduce the cost of the second year of the retirement incentive to bring the cost to the state of said retirement incentive under twenty million dollars.

In order to offer the early retirement incentive program in nineteen hundred and ninety-three, any such city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative must accept this section on or after the effective date of this act but no later than thirty days after the effective date of this act. The application period in nineteen hundred and ninety-three for retirement under this program shall commence on July first, nineteen hundred and ninety-three and end on July thirty-first, nineteen hundred and ninety-three. Teachers retiring pursuant to this program in nineteen hundred and ninety-three shall be retired for superannuation as of August thirty-first, nineteen hundred and ninety-three.

In order to offer the early retirement incentive program in nineteen hundred and ninety-four, any such city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative must accept this section on or after

January first, nineteen hundred and ninety-four but no later than April thirtieth, nineteen hundred and ninety-four. The application period in nineteen hundred and ninety-four for retirement under this program shall commence on June first, nineteen hundred and ninety-four and end on June thirtieth, nineteen hundred and ninety-four. Teachers retiring pursuant to this program in nineteen hundred and ninety-four shall be retired for superannuation as of August thirty-first, nineteen hundred and ninety-four.

This section shall be accepted only in the following manner: in a city, by vote of the school committee and the city council, with the approval of the mayor or city manager; in a town, by vote of the school committee, the selectmen, and the town meeting; in a regional school district or for an independent vocational school, by vote of the regional school committee; for a county agricultural school, with the approval of the county advisory board or other county legislative body and of the county commissioners or other county executive authority, but in Barnstable, Nantucket and Suffolk counties, by the county commissioners only; for an educational collaborative, by vote of its board of directors, with the approval of the city councils and town meetings in all member municipalities. Any fiscal oversight board or fiscal control board established by a special act, which consists of at least the secretary of administration and finance or his designee and the commissioner of revenue or his designee, must also approve a municipality's acceptance.

If, in either year of the retirement incentive, the total number of applications exceeds two thousand five hundred, the teachers' retirement board shall proportionately reduce the number of accepted applications from each city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative accepting the provisions of this section in the particular year by limiting the total number of acceptable applications in each such jurisdiction to an amount calculated by multiplying two thousand five hundred by a fraction that is equal to the number of teachers who are members in-service of the teachers retirement system or the city of Boston retirement system, if applicable, in each jurisdiction divided by the total number of teachers who are members in-service of the teachers retirement system or the city of Boston retirement system, if applicable, in the total number of accepting jurisdictions for the particular year.

After the application deadline of June thirtieth, the teachers' retirement board may adjust said limits by totalling the amount of unused authorized applications in accepting jurisdictions where the total applications are less than the authorized limit. The total unused authorized applications may then be redistributed to accepting jurisdictions where the number of applications exceeded the limit. The number redistributed to any such jurisdiction shall be proportional to the ratio of total applications in the jurisdiction to the total of all applications in the accepting jurisdictions where applications exceeded the application limit; provided, however, that the adjusted limit, which equals the sum of the number of reallocated authorized applications and the amount of the original limit, shall not exceed the total number of actual applications in a jurisdiction. Within each such city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative, if the number of applications exceeds the adjusted limit, the teachers' retirement board and the city of Boston retirement board, if applicable, shall prioritize and

award acceptable applications on the basis of length of creditable service as a public school teacher.

Notwithstanding any provisions of said chapter thirty-two to the contrary, the normal yearly amount of the retirement allowance for an eligible employee who is employed by a city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative which accepts the provisions of this section and who has paid the full amount of regular deductions on the total amount of regular compensation as determined under paragraph (a) of subdivision (2) of section five of said chapter thirty-two, shall be based on the average annual rate of regular compensation as determined under said paragraph (a) and shall be computed according to the table contained in said paragraph (a) based on the age of such member and his number of years and full months of creditable service at the time of his retirement increased by up to five years of age or by up to five years of creditable service or by a combination of additional years of age and service the sum of which shall not be greater than five; provided, however, that the city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative may limit the amount of additional credit for service or age or a combination of service or age offered and the number of employees for whom it will approve a retirement calculated under the provisions of this section; provided, further, that if participation is limited by the city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative, the retirement of employees with greater creditable service shall be approved before approval is given to employees with lesser creditable service.

For the purposes of this section, words shall have the same meanings as in chapter thirty-two of the General Laws, unless otherwise expressly provided or unless the context clearly requires otherwise; provided, however, that the meaning of "teacher" shall be as defined in section one of said chapter thirty-two without the exclusion in said definition of a teacher in the public schools in the city of Boston. An employee who retires and receives an additional benefit in accordance with the provisions of this section shall be deemed to be retired for superannuation under the provision of said chapter thirty-two and shall be so subject to any and all provisions of said chapter thirty-two; provided, however, that a teacher in the city of Boston retirement system retired under the provisions of this section shall be subject to the provisions of said chapter thirty-two only to the extent that he would have been if his retirement had not been in accordance with the provisions of this section.

The total normal yearly amount of the retirement allowance, as determined in accordance with the provisions of section five of said chapter thirty-two, of any employee who retires and receives an additional benefit under the retirement incentive program in accordance with the provisions of this section shall not exceed four-fifths of the average annual rate of his regular compensation received during any period of three consecutive years of creditable service for which the rate of compensation was the highest or of the average annual rate of his regular compensation received during the periods, whether or not consecutive, constituting his last three years of creditable service preceding retirement, whichever is greater.

For any married employee who retires and receives an additional benefit under the provisions of this act, an election of a retirement option under the provisions of section twelve of said chapter thirty-two shall not be valid unless (i) it is accompanied by the signature of the member's spouse indicating the member's spouse's knowledge and understanding of the retirement option selected, or (ii) a certification by the teachers' board of retirement or the retirement board of the city of Boston, if applicable, that such spouse has received notice of such election as hereinafter provided. If any member who is married files an election which is not so signed by his spouse, the teachers' board of retirement or the retirement board of the city of Boston, if applicable, shall within fifteen days notify the member's spouse by registered mail of the option election, and the election shall not take effect until thirty days following the date on which such notification is sent, and such election may be changed by the member at any time within thirty days, or at any other time permitted under said chapter thirty-two. Nothing in this section shall be deemed to affect the effective date of any retirement allowance, but in the event of any election having been filed which is not so accompanied, the payment of any allowance so elected shall not be commenced earlier than thirty days after the sending by the appropriate board of retirement of the notice required hereunder.

The teachers' board of retirement or the retirement board of the city of Boston, if applicable, shall provide retirement counseling to employees who choose to consider retiring or who choose to retire under the retirement incentive program established by this section. Such counseling shall include, but not be limited to, the following: (i) a full explanation of the retirement benefits provided by this section; (ii) a comparison of the expected lifetime retirement benefits payable to such employee under the retirement incentive program and under the existing provisions of chapter thirty-two of the General Laws; (iii) the election of a retirement option under the provisions of section twelve of said chapter thirty-two; (iv) the restrictions on employment after retirement; (v) the provisions of health care benefits under the provisions of chapter thirty-two B of the General Laws; (vi) the provisions of law relative to the payment of cost-of-living adjustments to the retirement allowance, in years in which there is such an adjustment; and (vii) the effect of federal and state taxation on retirement income. Each such employee shall sign a statement that he has received such counseling or that he does not want to receive such counseling prior to the approval by the teachers' board of retirement or the retirement board of the city of Boston, if applicable, of such employee's application for superannuation benefits and the additional benefit provided by this section.

The commissioner of the public employee retirement administration shall analyze, study, and value the costs and the actuarial liabilities attributable to the additional benefits payable in accordance with the provisions of this section of the retirement incentive program established by this section for each city, town, county or district which accepts the provisions of this section; provided, that said commissioner shall file a report in writing of his findings for said city, town, county or district on or before December thirty-first, nineteen hundred and ninety-four, and shall send a copy thereof to the city, town, regional school committee, independent vocational school, county agricultural school or educational collaborative as the case may be; provided, further, that said reports shall be filed with the joint committee on

public service and the house and senate committees on ways and means, the teachers' retirement board and the commissioner of the department of revenue on or before December thirty-first, nineteen hundred and ninety-four.

The teachers' retirement board shall prepare a funding schedule for each applicable city, town, county or district which shall reflect the payment of fifty percent of the costs and the actuarial liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with the provisions of this section and a funding schedule for the commonwealth which shall reflect fifty percent of the costs and the actuarial liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with the provisions of this section; provided, however, that said schedules shall be designed to reduce the applicable city, town, county or district and the commonwealth's additional pension liability attributable to such costs and liabilities to zero on or before June thirtieth, two thousand and ten; provided, however, that in preparing such schedules, the board shall consider the analysis of the commissioner of public employee retirement administration filed in accordance with the provisions of this section; provided, further, that said board shall triennially update such schedules until said June thirtieth, two thousand and ten; provided, further, that the commonwealth's funding schedule and updates shall be subject to the approval of the secretary of administration and finance. Said board shall file such funding schedules with the joint committee on public service and the house and senate committees on ways and means on or before March first, nineteen hundred and ninety-five, and shall file updates thereto triennially on or before March first of each year. In each of the fiscal years until the actuarial liability determined under this section shall be reduced to zero, it shall be deemed an obligation of the applicable city, town, county or district which has accepted the provisions of this section to appropriate annually an amount sufficient to meet fifty percent of the additional costs and liabilities attributable to the additional benefits payable under the retirement incentive program and said applicable city, town, county or district shall pay the same to the commonwealth's pension liability fund annually; provided, however, that if any such city, town, county or district fails to make said payment, the commissioner of the department of revenue shall deduct such liability from the annual education aid provided pursuant to chapter seventy to said city, town, county or district; provided, further, that such liability deducted shall be appropriated to the commonwealth pension liability fund; provided, further, that ancillary costs attributable to any employee who retires under the retirement incentive program established by this section, limited to the payment of accrued vacation, unused sick leave or any other severance payment, shall be the financial obligation of such city, town, county or district paid out of the sums appropriated or otherwise made available to the appropriate city, town, county or district for the fiscal year nineteen hundred and ninety-five; provided, further, that there shall be no supplemental state funds for the payment of said ancillary costs; and provided, further, that fifty percent of the total premium cost for health insurance provided to any employee who so retires shall also be paid out of the sums appropriated or otherwise made available for the fiscal year nineteen hundred and ninety-five; provided, further, that any employee who so retires shall not pay more than the percentage contribution charged to any other

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retiree comparable health insurance coverage; provided, further, that there shall be no additional state supplemental funds to pay said insurance costs.

The board of education shall list each position made vacant by the retirement of an employee under the retirement incentive program and receiving an additional benefit in accordance with the provisions of this section and shall file such list with the joint committee on public service and the house and senate ways and means committees on or before December first, nineteen hundred and ninety-four; provided, however, that for each position, such list shall include the classification title of such position, the salary range for such title and the salary payable to the person who so retired from such position.

SECTION 84. The department of education is hereby authorized and directed to establish a demonstration project on or before September first, nineteen hundred and ninety-four, to assess various models of parent outreach programs in working with families of children between the ages of one and three years. Said project shall gather data and test a variety of parent outreach programs, in order to choose the model most effective and most compatible with the overall system in the commonwealth for universal implementation by January first, nineteen hundred and ninety-seven. The models selected shall be tested within urban, suburban, and rural school settings. Models chosen for the demonstration project shall include, but not be limited to, the following: home visits by parent educators to educate parents about the physical, mental and emotional development of children; assistance and support to parents for meeting their own educational needs; promotion of literacy within the home; substantial parental involvement in activities for children; guidance at each stage of a child's development; periodic health screening and testing of children to check language and motor development; and group visits with other participating parents.

Participation by parents during the demonstrations project and thereafter shall be voluntary. Parent outreach programs shall be made available to all parents free of charge. Outreach efforts, initially, should focus on populations of children identified as educationally at risk.

Said demonstration projects shall terminate on December first, nineteen hundred and ninety-six. The department of education shall file a report of its findings, together with its recommendations and drafts of legislation necessary to implement a model program, by filing the same, on or before the first Wednesday in December, nineteen hundred and ninety-six, with the clerk of the house of representatives who shall forward the same to the joint committee on education.

The department shall submit to the general court a budget request to implement the provisions of this section no later than December thirty-first, nineteen hundred and ninety-three.

SECTION 85. The commissioner of education shall develop, pursuant to section one E of chapter sixty-nine of the General Laws, curriculum frameworks for mathematics, science and technology, history and social science, English and foreign languages no later than January first, nineteen hundred and ninety-five, and shall develop curriculum frameworks for the arts no later than January first, nineteen hundred and ninety-six.

SECTION 86. The board of education shall establish and administer a discretionary

grant program to assist cities and towns in initiating and implementing drug awareness and resistance education programs, to be known as D.A.R.E. programs. Said programs may be established by municipalities to teach middle school students the skills necessary to resist drug use and shall be implemented by local and state police officers. Said discretionary grant program shall, subject to appropriation, fund fifty percent of one police officer's salary per community in communities that have implemented said D.A.R.E. programs. The secretary of public safety or the chairman of the governor's alliance against drugs shall develop criteria for selecting cities and towns to receive financial assistance pursuant to this section.

SECTION 87. The commissioner of education, the attorney general, two members of the house of representatives to be appointed by the speaker, two members of the senate to be appointed by the president of the senate, and a member to be appointed by the governor shall study the feasibility of establishing regional boarding schools and other educational alternatives in the commonwealth for dropouts and for those students who are chronically disruptive and whose disruption is not due to special needs as defined by state and federal law and regulations. Results of said study shall be submitted to the joint committee on education, arts, and humanities of the general court not later than October first, nineteen hundred and ninety-three.

SECTION 88. The attorney general shall establish a project alliance statewide training program, so-called, for school personnel relative to school safety and the law. Implementation of said program shall be coordinated by the district attorneys in each district as set forth in section thirteen of chapter twelve of the General Laws. The attorney general and the commissioner of education shall jointly establish and chair an implementation oversight committee to oversee implementation of said program. Funding for implementation of said program shall be equally divided between the office of the attorney general and the department of education.

SECTION 89. There is hereby established a student initiatives discretionary grant program for conflict resolution and peer training to be implemented by the commissioner of education. Said grant program shall fund fifty percent of the cost of student initiatives and shall be targeted toward high school students. Grant proposals shall include a statement explaining student involvement in the planning and implementation of said grant. Said program shall be subject to appropriation.

SECTION 90. No later than June first, nineteen hundred and ninety-four, the board shall (i) establish new standards for the certification of principals in light of the responsibilities given to principals under this act, and (ii) fashion procedures for recertifying persons serving as principals under these new standards.

SECTION 91. The higher education coordinating council shall promulgate guidelines for the attracting excellence to teaching program, established by section nineteen A of chapter fifteen A of the General Laws, no later than January first, nineteen hundred and ninety-four.

SECTION 92. Section thirty-eight of this act shall not apply to any person employed as a school nurse by a school committee on or before the effective date of this act.

SECTION 93. There shall be appointed a commission on regulatory relief in education to review and evaluate all statutes and regulations related to education and to make recommendations to the board to reduce the scope of, ease the administration of, simplify the compliance with, and, where appropriate, eliminate such regulations and to reduce the amount of paperwork required in connection with public education and the state's regulation thereof. The commission shall consist of fifteen members, appointed by the governor, and shall be broadly representative of the racial and ethnic diversity of the commonwealth. Members shall receive no compensation for their services but may receive reimbursement for their reasonable expenses incurred in carrying out their responsibilities as members of the commission. The secretary of education shall furnish reasonable staff and other support for the work of the commission. Upon request by the commission, the board of education, the secretary of education and the joint committee on education, arts and humanities of the general court shall provide to it information and data pertinent to the commission's charge.

SECTION 94. The departments of social services, youth services, mental health and mental retardation shall conduct an investigation and study to develop a plan to earmark between one percent and two percent of its total budget for the provisions of services in school based centers. Said study shall include without limitation recommendations for ensuring each school district's participation in said plan. The secretary of health and human services shall, in consultation with the commissioner of education, participate in said study.

Said secretary shall, on or before the last Wednesday in December, nineteen hundred and ninety-three, file said plan with the clerk of the house of representatives who shall forward the same to the joint committees on education and human services.

SECTION 95. Notwithstanding the provisions of any general or special law to the contrary, superintendents of school departments or districts shall have access to criminal offender record information on employees, prospective employee, and non-employee contract personnel who have frequent contact with students. Such information will be made available subject to procedures developed by and agreed to by the secretary of public safety and the commissioner of education.

SECTION 96. All school-aged children placed by, or under the control of, the department of public welfare or the department of social services under the provisions of sections seven and nine of chapter seventy-six of the General Laws, other than in their hometown, shall have their tuition in the public schools paid by the commonwealth to the city, town or regional school district.

SECTION 97. Notwithstanding any contrary provision of this act, the provisions of chapter six hundred and thirteen of the acts of nineteen hundred and eighty-seven shall continue to apply to the governance of the Boston school department.

SECTION 98. Each regional employment board, as established by section one hundred and five of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight, shall work with comprehensive high schools and regional vocational-technical schools in its region to develop a plan to provide transition for students into the work force. Such plan shall be incorporated into an annual report from the school district to the regional employment board. Each regional employment board shall submit a work force develop-

ment strategic plan annually to the MassJobs Council. This plan shall include a comprehensive school-to-work transition policy for its region. For purposes of this section, region shall be defined by said section one hundred and five.

SECTION 99. All programs and actions undertaken under the provisions of this act shall be conducted in a manner reflecting and encouraging a policy of nondiscrimination and equal opportunity for members of minority groups and women. All officials and employees of any school department or district shall take affirmative steps to ensure equality of opportunity in the internal affairs of such departments and districts, as well as in their relations with the public, including those persons and organizations doing business with said departments and districts. Each school district department and district shall adopt measures to ensure equal opportunity in the areas of hiring, promotion, demotion, transfer, recruitment, layoff or termination, rates of compensation, and in-service training programs. The department of education shall conduct an ongoing review of affirmative action steps taken by various school departments and districts to determine whether such departments and districts are complying with the intent of this section. Whenever such noncompliance is determined by the board of education, the commissioner shall hold a public hearing on the matter and report his resulting recommendations to the school committee of the department or district and to the Massachusetts commission against discrimination.

SECTION 100. The secretary of administration and finance is hereby authorized and directed to recommend revisions in the governor's budget recommendation for the fiscal year ending on June thirtieth, nineteen hundred and ninety-four to reflect the provisions of this act, including, but not limited to, the increase in aid for education and the cost of the early retirement incentive authorized by this act. Such recommendations shall be submitted to the house and senate committees on ways and means not later than the day after this act has the force of a law. Such recommendations shall specify the additional revenues, if any, or decreases in expenditure recommendations, if any, by line-item, that will ensure that the budget of the commonwealth is balanced for the fiscal year ending June thirtieth, nineteen hundred and ninety-four. No such decreases in expenditure recommendations shall be taken from local aid accounts, so-called, including but not limited to additional assistance, lottery aid, chapter eighty-one and chapter ninety highway funds, payments in lieu of taxes and police education incentive reimbursements.

SECTION 101. The board of education, with the advice of the commissioner, shall appoint an advisory commission on the student to adult resources ratio. "Adult resources" shall be defined as teachers, teacher's aides, guidance counselors and other academic support staff. The commission shall consist of eleven members, one of whom shall be the commissioner of education or his designee, who shall serve as chairperson. Six members of the commission shall be public school classroom teachers chosen to broadly represent different grade levels and disciplines, two members shall be public school principals and two members shall be parents of public school students. Said members shall serve for a term of two years each.

After December first, nineteen hundred and ninety-three the commission shall meet annually, no later than December first and file a report with the board assessing the extent

of compliance with the class size regulations adopted by the board and making any recommendations for modification thereof. No member of the commission shall receive any compensation, but the members shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their official duties. The board shall provide reasonable support for the commission, including clerical and research activities.

SECTION 102. There shall be established a task force on municipal finance whose membership shall include fifteen persons familiar with issues concerning the manner in which the commonwealth's municipal services are delivered and financed.

Said membership shall consist of: five persons to be appointed by the governor, two members of the senate to be appointed by the president of the senate and five members of the house of representatives to be appointed by the speaker of the house of representatives. Said task force shall be charged with examining all aspects of the delivery and financing of municipal services with special consideration to the review and reconsideration of the recommendations made by the Hamill commission, so-called, whose report was filed with the general court on April twelfth, nineteen hundred and ninety and shall make recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before September thirtieth, nineteen hundred and ninety-three.

SECTION 103. Section sixty-four of this act shall take effect on January first, nineteen hundred and ninety-four.

SECTION 104. No charter school, established pursuant to section eighty-nine of chapter seventy-one of the General Laws may be authorized to open prior to the school year beginning in the fall of nineteen hundred and ninety-five. In the year nineteen hundred and ninety-eight, the general court shall study the effects of the limits on the number of charter school students and shall consider possible increases or decreases. Notwithstanding any reduction in the limit on the number of students allowed to attend charter schools, students enrolled in charter schools shall have a right to continue in that school through its highest grade level unless expelled for cause.

SECTION 105. Section sixty-one of this act shall take effect upon its passage; provided, however, that the provisions of subsections (c), (d), (h), and (i), and the requirement of random selection for admission in subsection (j), of section twelve B of chapter seventy-six of the General Laws shall not apply with respect to the school year beginning in September of nineteen hundred and ninety-three.

Approved June 18, 1993.

Chapter 72. AN ACT AUTHORIZING THE TOWN OF ROCKPORT TO LEASE A CERTAIN BUILDING FOR FIFTY-FIVE YEARS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section three of chapter forty of the