

BESE 2019 Annual Report

Education-Related Laws

The following laws relating to the Department of Elementary and Secondary Education (the Department) have been enacted in 2018 during the 190th Legislative Session. The laws are listed in chronological order of enactment.

LEGISLATION

An Act relative to standards of employee safety

[Chapter 44 of the Acts of 2018](#)

Effective: 02/01/19

Chapter 44 of the Acts of 2018 has impact on school employees in Massachusetts, particularly in the context of lab safety in science classes. In brief, Chapter 44 requires that schools comply with federal Occupational Safety and Health Act (“OSHA”) standards of workplace safety by expanding the scope of a statute, G.L. c. 149, § 6½, that currently mandates OSHA compliance only for workplaces within the state government’s executive branch. School employees are already protected by a more general workplace safety statute, G.L. c. 149, § 6; however, § 6 is phrased in broad terms, while Chapter 44 provides a more concrete list of requirements that public sector employers must satisfy.

Chapter 44 does not directly apply to students, although any requirements dealing with the physical work environment of teachers or other school staff would naturally affect them as well. Should they desire more direct guidance, schools will be able to request an inspection by the Department of Labor Standards (DLS).

An Act relative to criminal justice reform

[Chapter 69 of the Acts of 2018](#)

Effective: 04/13/18; 07/12/18

The Criminal Justice Reform Act of 2018 included several sections that affect schools, districts, and students. The Act:

- Establishes a childhood trauma task force to identify school-aged children who have experienced trauma, and to make recommendations on treatment services.
- Requires certain criteria in the process for school resource officer (SRO) selection.
- Establishes standards for the memorandum of understanding between a district and public safety entities for SROs

- Removes potential classification of elementary and secondary students under age 18 as delinquent for disturbing the peace if the conduct occurs in a school building, on school grounds or during a school-related event.

An Act protecting the rights of custodial and other non-teaching employees of school districts

[Chapter 160 of the Acts of 2018](#)

Effective: 10/31/18

Chapter 160 amends G.L. Chapter 71, Section 59B to require promotion and discipline of non-teaching employees to be conducted in accordance with any collective bargaining agreement.

An Act relative to economic development in the commonwealth

[Chapter 228 of the Acts of 2018](#)

Effective: 08/03/18

The 2018 Economic Development bill includes:

- a \$75M appropriation for a competitive grant to be administered by the Executive Office of Education for the purchase and installation of equipment and facilities upgrades to expand career technical education.
- The creation of the Massachusetts Cybersecurity Innovation Fund that can be accessed to promote the development and implementation of educational programs in Massachusetts public schools.

An Act relative to students with dyslexia

[Chapter 272 of the Acts of 2018](#)

Effective: 01/16/19

Chapter 272 requires that the Department of Elementary and Secondary Education, in consultation with the Department and Early Education and Care, issue guidelines to assist districts in developing screening procedures or protocols for students who demonstrate one or more potential indicators of a neurological learning disability. The requirement is subject to appropriation.

An Act relative to the financial condition of the pioneer valley regional school district

[Chapter 295 of the Acts of 2018](#)

Effective: 11/08/18

Chapter 295 allows the Pioneer Valley Regional School District (PVSD) to borrow up to \$2 million with approval by the school committee and the elementary and secondary education commissioner to mitigate budget deficits. The bill also requires the PVSD to contract a fiscal overseer and gives the commissioner authority to approve the appointment, allows the commissioner and DOR to recommend the establishment of a finance control board for the district, and defines parameters for fiscal actions of the PVSD throughout the borrowing period.

An Act to promote and enhance civic engagement

[Chapter 296 of the Acts of 2018](#)

Effective: 02/06/19

On November 8, 2018, Governor Baker signed into law [Chapter 296 of the Acts of 2018](#), *An Act to promote and enhance civic engagement*. The law is the culmination of extensive efforts by the Board of Elementary and Secondary Education (Board) and the Department of Elementary and Secondary Education (Department) to ensure that Massachusetts students receive meaningful instruction and opportunities for engagement in civics education.

The Board's Working Group on Civic Learning and Engagement, led by then Vice-Chair David Roach, presented their report to the Board on June 23, 2015. One of the recommendations was to "initiate the process to revise the 2003 History and Social Science Curriculum Framework and, in doing so, consider developments in the field that, if thoughtfully integrated into our existing frameworks, could enhance the effectiveness of civics instruction." The Board and Department have carried out this charge, resulting in the revised History and Social Science curriculum framework that the Board approved in June 2018. The 2018 framework increases emphasis on civics at all grade levels, including a new grade 8 course on civics. These fundamental aspects are reflected in Chapter 296 of the Acts of 2018.

Chapter 296 codifies many of the recommendations originally made by the Board and expands access to resources for the implementation of the new History and Social Science curriculum framework through the establishment of the Civics Project Trust Fund. The new law, effective February 6, 2019, includes the following provisions:

- The Secretary of State, in consultation with the Commissioner of Elementary and Secondary Education, shall establish a non-partisan high school voter challenge.
- Each school district shall include in its three-year improvement plan a description of its implementation of the new civics education requirements.
- All public school students shall receive instruction in US history and social science, including civics.
- The Department shall provide professional development opportunities for educators on the history and social science framework.
- The Department shall develop tools aligned with the framework to support districts in implementing it, subject to sufficient resources in the Civics Project Trust Fund, for the 2020-2021 school year.
- Each public school serving students in the eighth grade and each public high school shall provide not less than 1 student-led, non-partisan civics project for each student, consistent with the History and Social Science curriculum framework.
- The Department shall establish a Commonwealth Civics Challenge with guidelines for districts that will be implemented in the 2022-2023 school year, subject to appropriation.

The Commissioner is to administer the Civics Project Trust Fund established in Section 1 of Chapter 296 to assist with the development, implementation, professional development, stakeholder engagement, and assessment of the History and Social Science framework. The Commissioner is also responsible for approval and oversight of the private donations made to the Fund to assure that no donation is accompanied by any condition of use.

One additional component of Chapter 296 pertains to a History and Social Science assessment. Section 7 states that any assessment the Board adopts not later than the 2021-2022 academic year that aligns with the History and Social Science framework and includes a "participatory component" will satisfy the requirement that districts provide a student-led civics project to students.

An Act relative to education collaboratives

[Chapter 437 of the Acts of 2018](#)

Effective: April 2, 2019; April 2, 2020

Chapter 437 makes technical corrections to the collaborative law, as well as requiring the Department of Elementary and Secondary Education (ESE) to create no more than six regional districts for collaboratives and allowing

collaboratives to have access to grants in an effort to promote the use of educational collaboratives as providers of educational programs and services for districts.

An Act relative to financial literacy in schools

[Chapter 438 of the Acts of 2018](#)

Effective: April 2, 2019

Chapter 438 establishes criteria for financial literacy standards should the Board choose to direct the Department to develop a separate curriculum framework. It also directs the Department to make resources available to districts to assist them in choosing materials and curriculum relative to personal financial literacy.

An Act relative to regional schools

[Chapter 440 of the Acts of 2018](#)

Effective: April 2, 2019

Chapter 440 allows a regional school committee to designate any single member for the purpose of signing payroll warrants and accounts payable warrants with the requirement that that member share such records with the school committee at its next meeting.

FY19 BUDGET LAWS

FY19 General Appropriations Act

[Chapter 154 of the Acts of 2018](#)

Approved: (in part) 07/26/18

The FY19 GAA provides total state spending of \$41.834 billion. The law provides \$5.585 billion in spending authority for the Department, most of which goes to cities, towns, and school districts through Chapter 70 and other forms of education aid and reimbursements. This total represents 13.3% of the total state budget and 4.1% growth over FY18 spending, an increase of \$124.4 million (2.3%) above the Governor's FY19 request (House 2).

The following summarizes the GAA education spending. More detail for all Department appropriations is available in our budget tracking spreadsheet, which the Board has received.

I. Education Aid & Reimbursements

Chapter 70 aid (7061-0008) is increased by \$160.6 million (3.4%) over FY18, including \$12.5 million to provide transitional relief to districts related to the change in the reporting metric from low-income to economically disadvantaged. The increase in Chapter 70 maintains the long-standing commitment to foundation level spending in all districts; fully phases in (100%) effort reduction for high-effort communities; and provides a minimum aid increase of \$30 per pupil to all districts. The GAA proposes making a structural change in the foundation budget by shifting the Limited English Proficient (LEP) rate to an LEP increment for each grade category. The law also addresses the rising cost of employee and retiree health insurance by including in foundation budgets 14.2% of the increase that the Foundation Budget Review Commission recommended in 2015; the House also recommended 14.2% and House 2 proposed 11%. Based on the GAA budget, districts are eligible to receive the higher of the amount determined by the GAA or the amount passed by the House; 43 districts receive the aid amount determined by the

House. H.4800 also includes another \$15 million in the Foundation Reserve “pothole” account (7061-0011) for districts serving Puerto Rican and USVI students displaced by Hurricanes Maria and Irma.

Funding for the Special Education Circuit Breaker account (7061-0012) is increased by \$25.6 million over FY18. Charter School Tuition District Reimbursements (7061-9010) is increased by \$7 million over FY18. Regional School Transportation (7035-0006) is increased by \$7.4 million over FY18. The METCO grant program (7010-0012) is increased by \$1.5 million over FY18. Non-Resident Vocational Student Transportation (7035-0007) is level funded. Homeless Student Transportation Reimbursement (7035-0008) receives a \$1 million increase over FY18.

The GAA added two new accounts to provide \$1.5 million in additional aid to Rural Schools (7061-9813), as well as \$0.5 million for a Summer Learning Grant program (7061-9814).

II. Literacy Accounts and English Language Acquisition

- The GAA partially supported the Governor’s proposal and combined Bay State Reading with Consolidated Literacy under the 7010-0033 account but added earmark language to fund Reading Recovery and Bay State Reading at FY18 levels.
- The English Language Acquisition Account (7027-1004) sees an increase of \$1.64 M over FY18, which will fund SEI training for vocational education educators, implement the provisions of the Language Opportunity for Our Kids (LOOK) Act, and provide support for middle and high school students deemed to be at risk of dropping out of school as a result of language barriers or challenges in English language acquisition.

III. Expansion of Career Technical Education (7027-0019)

- The GAA gives an increase of \$1.45 M to School-to-Career Connecting Activities over FY18, and the account contains \$0.5 M of earmarks.

IV. Program Changes

- The GAA increases the Adult Basic Education line item (7035-0002) by \$3.7 million to reduce the waitlist of students for English language learning slots and to fund the new professional development system to provide training and support for ABE programs.
- AP Math and Science Programs (7035-0035) received a \$300,000 increase over FY18.
- The GAA supports the Governor’s request to fund Student Assessment (7061-9400) at \$32.1 million, which includes \$1 M of new funding to support the implementation of the new history and social science standards and the development of new assessments in history and social science.
- The GAA funds Innovation Schools (7061-9011) at \$35,000 above FY18.
- Assessment Consortium (7061-9401) is level funded. The Governor vetoed \$0.2 M in funding the Conference Report had provided above FY18.
- 7061-9408 Targeted Assistance has received an increase of \$0.358 M above FY18.
- The GAA funds Teacher Licensure (7061-9601) at \$1,867,453, an increase of \$121,104 to cover the additional volume expected in a license renewal year.
- The GAA transfers the administration of the Recovery High School Program (7061-9607) from the Department of Public Health to DESE and increases the funding to \$3.1 M.

- After adjusting for \$1.7M of earmarks, the 7061-9611 After-School Grant Program is funded at \$2,576,923, which is \$0.22 M higher than FY18 net spending excluding earmarks.
- The Safe and Supportive Schools Grant Program (7061-9612) has been increased by \$250,000 above FY18 in the GAA.
- The GAA adds \$650,000 to the YouthBuild Programs line item (7061-9626) over FY18.
- Mentoring Matching Grants (7061-9634) has received an increase of \$275,000 above FY18.
- Child Sexual Abuse Prevention (7061-9812) is increased by \$0.25 M of earmarks.
- The GAA has added a new line item for FY19:
 - Educational Improvement Project Grants (7010-1192) at \$1.625 M. This account represents a collection of legislative earmarks that fund specific local education needs.
- In the GAA, DESE's other accounts are either level funded or receive minor increases/decreases due to payroll changes or with the removal/addition of legislative earmarks.

An Act making appropriations for fiscal year 2018 to provide for supplementing certain existing appropriations and for certain other activities and projects

[Chapter 273 of the Acts of 2018](#)

The October 2018 supplemental budget to the FY18 GAA appropriated:

- \$5M additional dollars in the Department's targeted assistance line-item (7061-9408)
- \$7.5M to the Executive Office of Education for infrastructure safety grants
- \$7.5M to the Department for grants to districts that allow for contracts with licensed community based mental and behavioral service providers