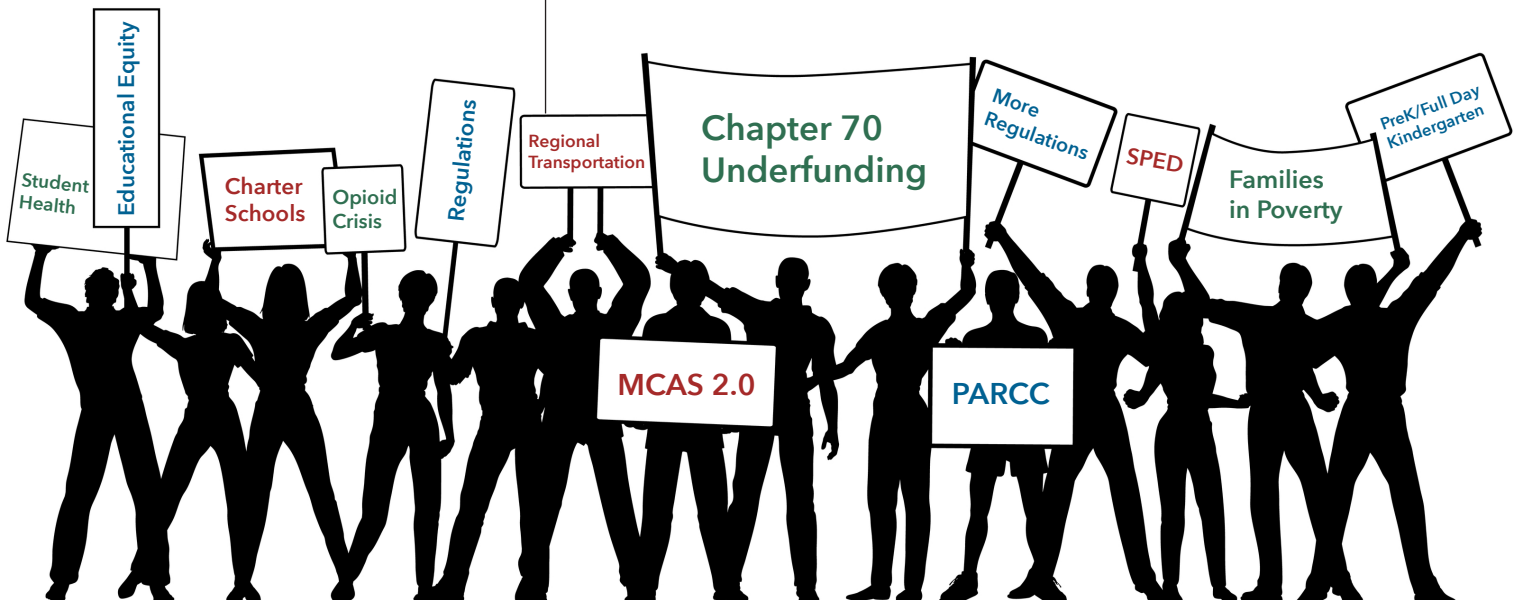


Massachusetts Association of School Committees

2016 Public Policy Priorities: Summary and Guide for School Committee Members



**The Challenge to Ensure Equity
and Excellence for all Students**

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HELP YOUR LEGISLATORS UNDERSTAND THE ISSUES

School Committee members play a very important role in their communities as policy makers, standard bearers for local values, and advocates. They stand on the grassroots of American democracy and do their work in front of the people who are affected by their actions. Unlike many other elected officials in the United States, they must meet, discuss and deliberate in public, before local reporters and cable audiences. And when the meeting is over, they often may find themselves having to explain their actions at the local playing fields, defend themselves in grocery stores and pharmacies, be subject to editorials and community opinion, and ultimately vote while those affected by their actions sit in the audience in front of them.

It is an exceedingly difficult job, probably the most demanding elected post in our democracy, but also a most rewarding one because the success of the next generation of leaders is in their hands.

Advocating for students is one of your most important roles. Explaining the issues to the public is an important part of advocacy. So is working with state and federal lawmakers. Effective legislative advocacy requires knowledge, clarity, patience and persistence because school committee members must make their best arguments in favor of their positions in the face of often powerful and well-funded opposition.

That's why a day at the State House speaking directly to your legislators is a day well spent. Nearly one out of every five legislators has actually served on a school committee. Three members of the Massachusetts Congressional Delegation (Michael Capuano, Richard Neal, and Katherine Clark) also served on their local school committees. Legislators understand the importance of well-developed positions, passionate but reasoned argument, vigorous defense of one's principles and beliefs, and the importance of a broad strategy that reflects a healthy respect for their own positions as lawmakers. You, as school committee members, are uniquely positioned to advocate for children and schools, as well as families and people in social and economic need.

As we have noted in the past, on any given day constituents, advocates and lobbyists might approach legislators with any of the dozens of public policy concerns and special or personal issues. Legislators rely on you to inform them and keep them up to date. In the field of public education, school committee members are among the most credible and effective proponents of responsible public policy.

This compendium of MASC's public policy priorities is designed to help you make the case for effective legislation to support children and schools.

MASC 2016 LEGISLATIVE PRIORITIES

IMPROVED OUTCOMES FOR ALL

1. SUPPORT FOR EARLY EDUCATION PROGRAMS

Massachusetts students continue to lead their peers on national and international measures of achievement. Nevertheless significant—and disturbing—achievement gaps persist that disproportionately affect certain students. These students tend to be from economically challenged or transient families who have few resources and fewer options for early educational enrichment programs for their children. According to the 2015 Kids Count-MA data report 42%, of age-appropriate children are not attending any form of pre-school program. For children below 200% of the poverty level, this percentage climbs to a staggering 54%.

It is well-documented that access to high quality early education is essential to closing the achievement gap. Data has shown conclusively that investment in early education results in lasting benefits to families, the workforce and society as a whole. For example, children that attend high-quality pre-school programs are 40% less likely to need special education services or be kept back a grade, are 30% more likely to finish high school and twice as likely to attend college. Parents whose children are enrolled in reliable early education programs are better able to seek and maintain steady employment. The economic benefits of providing early education are both short and long-term.

MASC supports and encourages efforts to promote:

- increased access to early education for all students, regardless of income or native language;
- improved affordability of programs;
- funding to support universal tuition-free full-day kindergarten; and
- guarantee of high quality programs and professionals who sustain them.

2. STRENGTHEN THE CHILDREN'S SERVICES SAFETY NET

Children learn best when they are healthy, well-nourished and safe. Learning is hampered when children are affected by issues such as poverty, unstable home environments and homelessness. Unfortunately, the barriers to learning are becoming more prevalent in the Commonwealth. Sixteen percent of Massachusetts children live in poverty, up from 9 percent in 1975. Nearly one in every three children live below 200% of the poverty level. According to data from the Annie E. Casey Kids Count Data Center 2015 report, an astounding 44% of Massachusetts students are enrolled in free and reduced lunch programs and the percentage has been growing. While any child can be affected by learning barriers, children living in poverty or extreme poverty are the most vulnerable. If we are to meet our educational goals of success for every child, close the achievement gap, reduce drop-out rates and ensure that every graduate is career and college ready, then this issue must be addressed.

Many agencies have a hand in supporting families. These include agencies providing early education and care, social services, health care, mental health services, foster care, public housing, criminal justice and police and support for family care-givers. However, tight state budgets continue to affect these agencies. The Department of Children and Family Administration (DCF), for example, has had a number of lay-offs and administrative reorganizations in response to funding reductions. At the same time, the number of cases the agency is handling has been increasing. These changes have made the delivery of services by the agency and access to services by families more challenging. The Governor's FY17 budget begins to address this issue, but challenges remain.

Educators work diligently to meet the educational needs of children and to help ensure that their health and safety needs are met so that they can learn. Efforts and success in this area are magnified, however, when other agencies and organizations partner with schools to address the needs of the whole child. For example, promising practices from DESE's Wrap-Around Zone Initiative could be expanded.

To that end, MASC asks that:

- State policy encourage cooperation between agencies servicing children and families.
- Promising wrap-around programs that provide services such as community health services, adult education, family support and career counseling be developed, funded and expanded.

3. SUPPORT FOR MOBILE STUDENTS

The issues surrounding students who, for a variety of reasons, move in and out of school districts during the academic year present special challenges for school leaders and administrators. Despite the improving economy, the numbers of low income and mobile/transient students continues to grow in the Commonwealth.

School districts that have higher levels of mobile students find themselves stretched particularly thin when trying to meet the needs of this at-risk population—who in addition are often children from low-income, fragmented and English Language learner households. The task of orienting a new student to the school and gauging the student's academic strengths and weaknesses take valuable resources from the school system. It is not only a struggle to help these students on even the most basic levels, but non-mobile students are also impacted as teacher time and resources are diverted.

To support districts in their efforts to help these most vulnerable of students, we urge legislators to enact a special calculation for students who are migrant, transient or mobile, in the same manner that additional funds are provided for Special Education, English Language Learners and low-income students.

FUNDING

4. FUNDING REVISION OF CHAPTER 70 AID TO REFLECT 21ST CENTURY NEEDS

As part of the FY15 budget, the MA legislature established the Foundation Budget Review Commission whose charge was to review and make recommendations on how to improve the Chapter 70/Foundation Budget formula which has not been revised since it was implemented in 1993, and which forms the base of state financial support for public schools.

MASC has been among the leading advocates calling for review of the method and calculations that drive the school funding formula. The Commission, which reported its findings in the Fall of 2015, concurred with many of the concerns that MASC and other education leaders have raised, namely that (1) district spending on health insurance far exceeds the foundation allotment; (2) the number of in-district special education students is significantly understated, and the actual costs of out-of-district placements were also considerably higher than the foundation budget rate; (3) the calculation for ELL funding is inappropriate to providing services to successfully meet the needs of this population; and (4) that concentrations of poverty, and the method of determining the number of students in poverty and calculating the costs of educating those students, is woefully inadequate and further exacerbates conditions of inequity in MA public schools.

The Commission put forward a series of funding recommendations that would begin to address these issues. Unfortunately, none of these changes were incorporated into the Governor's FY17 budget. (For the full report, see the Appendix on page 9.)

MASC strongly encourages the legislature to address the commission's findings and implement the proposed recommendations, including

- Increasing funding to ensure each district reaches its target share;
- Ensuring the inflation factor in the formula is realistic and accurate; and
- Ensuring every district receives a \$100 per pupil increase in Chapter 70 to help ameliorate the under-funding in the formula.

5. FULL FUNDING FOR THE SPECIAL EDUCATION CIRCUIT BREAKER

The Special Education Circuit Breaker acts like a form of “stop-loss” insurance for those student service plans whose cost exceeds four times the average per pupil spending for the state. Currently this threshold is about \$45,000. In those cases, the state provides 75% of the amount over the threshold. This provides significant relief to districts who must fund in full the cost of student education plans, some of which can be extraordinary.

The particular advantage of funding the Circuit Breaker is that every district benefits because the need for special education services impacts every community. In the past, the Circuit Breaker has been “subject to appropriation” and underfunded, although in FY 2016 the program was financed in full.

We strongly urge the legislature to ensure that the Special Education Circuit Breaker is adequately and fully funded in the FY17 budget.

6. CHARTER SCHOOL FUNDING REFORM

Unfortunately, the charter school issue is one of the least well understood by the public at large. The need for charter school reform has financial, programmatic and regulatory implications. The issue has become subject to even greater public debate as voters in Massachusetts prepare to consider a ballot question on raising the limit on charter schools across the state.

On March 31, the Senate review committee that had been assigned to study charter school reform concerns and propose changes that could replace the need for the ballot question in November, released its report. The proposed legislation directly addressed many of the charter school issues that MASC has raised over the years, calling for provisions that would improve operational integrity, accountability, teacher credentialing, recruiting practices and student retention policies. The proposed legislation also tackles some of the funding loopholes and other financial inequities that charter schools have enjoyed and a late-breaking amendment to the legislation would give a measure of local control over charter approvals in a community.

Needless to say, charter proponents have vowed to defeat the legislation and keep the issue on the November ballot. MASC will include updates, whether on the ballot question or the legislation should it move forward, in Day on the Hill and subsequent materials.

Most people do not realize that when a student leaves his/her district for a charter school, or if a student moves to a district and elects to attend a charter school, the state takes away a significant amount of money from the school district where the student resides and gives it to the charter school. Most people believe that the sending community loses only the average Chapter 70 allocation per student, but, in fact, it is the average total expenditure per pupil. For example, a city, town or region that might receive \$4,000 per student from the state, could lose four to five times that amount for each child who leaves for a charter, and the residents of those communities have no say in the matter, nor are the charter schools accountable to local taxpayers for how their money is spent.

More importantly, if a district voluntarily spends above the minimum amount required (required minimum net school spending) as is the case with more than 60% of Massachusetts districts, the state diverts more money than had the district spent the required minimum. This can be significantly higher than the Foundation Budget and, again, is diverting locally collected revenue to the charter school. It is no accident that charter school developers prey on districts with high average per-pupil spending.

While the state will reimburse districts for the full amount lost to the charter school in the first year; for years two through five, the reimbursement is cut to 25%. Moreover, this account is subject to annual appropriation. This account has not been fully funded for the past three years. In addition, while the sending districts bear the burden of underfunding, charter schools have not been affected.

Research conducted by MASC uncovered the facts related to significant failure of charter schools to enroll representative cross sections of students at social and economic risk, or students with complex special education needs. Charters also have skillfully and selectively transferred underperforming, troubled or dissatisfied students back to the sending districts with the greater share of these being boys at risk. That research is accessible at:
http://www.masc.org/images/news/2015/20151013_MASC_Charter-Schools_Who-Is-Being-Served_opt.pdf

MASC urges the legislature to:

- Require local approval as a prerequisite for the establishment of any new or expanded charter school in Massachusetts.
- Fully fund the charter school reimbursement account in FY17.
- Continue the legislatively established cap on charter school enrollment.
- Require that any proposed charter and any expansion of current charters be subject to a rigorous social, economic, and academic impact study to assess the effect on the districts from which the charters will draw their students. Currently, public policy makers, including apologetic members of the state Board of Elementary and Secondary Education explain that the law does not allow this to be considered even though it cuts deeply into a sending district's state financial assistance.

7. RESTORATION OF FUNDING FOR REGIONAL TRANSPORTATION

As part of the effort to promote regionalization of school districts, the legislature set a goal of full funding of regional transportation costs. However, in many recent years, the legislature has failed to meet this goal.

When transportation for regional schools is underfunded, the schools have few places to go for the funds other than the classroom. Failure to fully fund this account has a direct impact on the quality of education that students in regional districts receive. It is particularly devastating for small and rural districts where students must travel longer distances than in cities and suburbs.

Not only has the legislature underfunded the account, but it has been the victim of gubernatorial 9C cuts in recent years, putting additional pressures on these schools to provide for the needs of their students. Even when 9C cuts were restored, as was the case for the partial reduction in FY 2016, the money is returned too late to compensate for the lost programs and personnel.

MASC urges the legislature to support full funding of this budget line in FY17.

8. FULL FUNDING FOR METCO

For over 50 years, the METCO program has enabled economically disadvantaged students in Boston and Springfield to enroll in schools in participating suburban districts. It remains one of the most successful voluntary desegregation programs in the state and has been shown to enhance the academic and social lives of both METCO and resident students.

Advocates for METCO funding have confronted both annual efforts to secure adequate funding and concern that appropriated funding will be reduced as 9C cuts. Last year, the original appropriation was reduced twice by a total of over \$1.2 million. During the past year, the staff and board of METCO have also been working hard to keep the program viable and relevant. METCO funding has trailed both inflation and the growth of other educational line items that support children.

MASC urges the legislature to increase funding in the FY17 budget to a level of \$19,600,000, representing a badly needed increase over the FY 2016 appropriation.

LEGISLATIVE FIXES

9. MANDATE AND REGULATORY RELIEF

Year after year, our school districts have been crushed by an increasing imposition of regulation from the state and federal levels, including the addition of requirements to perform tasks unrelated to educating children in schools. We welcome the initiative that Governor Baker took to reduce the level of regulation by involving stakeholders. On one hand, this initiative was not binding upon the MA Department of Elementary and Secondary Education. On the other hand, DESE has asked stakeholders for guidance, which represented at least the hint of acknowledgement that education in Massachusetts is abusively overregulated.

We believe that the problem is less tied to specific regulations that must be carefully excised from the high volume of regulatory directives. Instead, DESE and the rest of the state and federal regulatory infrastructure must hear a strong message that the culture of rulemaking and obedience-oriented directives must change. We also believe that this culture will not change on its own as government bureaucracies rarely, if ever, give up power and authority voluntarily. The legislature must act to make them stop. The culture that is based on compliance, regulation, and punishment or sanction must end and the legislature oversee the process.

As legislators debate new measures, we urge that they:

- Immediately freeze any new regulations not specifically authorized by the legislature and prohibit new regulations from being issued unless they are authorized and approved by the state legislature.
- Prohibit DESE from issuing any regulations and advisories that do not directly apply to public education, students, teachers and administrators.
- Require that any new proposed regulations be subjected to a time, cost, and effect impact study to determine the expense involved in imposition and administration, time required by school district personnel to comply, effect upon the targets of the regulation, and an automatic sunset date for expiration so that they can be reconsidered and reassessed at predictable intervals

10. CHARTER SCHOOL OPERATIONAL REFORM (See note on proposed legislation on page 5.)

This past year, two reports were released regarding the operations of charter schools: one by the State Auditor's office specific to Massachusetts charter schools, and the other by the Annenberg Institute for School Reform at Brown University. Both reports contained similar findings regarding the operations of charter schools, the students they serve and the students in traditional public schools who are affected by the charter schools in their communities. Most importantly, both reports echo the concerns that MASC and other organizations have expressed regarding the operations of charter schools and the ways they can undermine the very goals they purport to achieve.

Among the findings were the well-recognized selective recruitment of lower risk students, "counseling out" the more challenging students, and failing to enroll and retain a representative number of students at risk. Inaccurate waiting lists, failure to share best practices and governance structures that lacked adequate representation from the parents and communities they serve were also concerns.

MASC asks that the legislature:

- Require new and existing charter schools to enroll and retain representative cross sections of the student population in their service areas or lose their charters and state funding.
- Require charters to meet set requirements to recruit, enroll and retain students who are economically disadvantaged, English Language Learners, and representative of the communities at large from which they take their students;
- Require that communities from which students will be selected for charter schools approve those schools before they are established;
- Require that the appointment of charter school trustees be approved by the elected representatives of the cities and towns from which they come, and that at least one member of the local school committee be appointed as a trustee;
- Require that charter schools, as a condition of reauthorization, demonstrate not only best and

legitimately innovative practices, but also show how they have shared these innovations and practices with the public at large.

11. SUPPORT FOR RURAL SCHOOL DISTRICTS

Among the many school districts in Massachusetts, are small and rural districts whose history and traditions are as rich as any in the state. These districts often bear extraordinary challenges including transportation, access to technology, and access to nearby special education services. As small districts, often covering large geographic regions, they do not enjoy the economy of scale that urban districts may have.

MASC urges the legislature to:

- Support initiatives to encourage sharing of resources, incentives to utilize personnel in collaboration with their neighbors, and consider other structural or governance alternatives acceptable to the communities involved.
- Ensure that no appointed bureaucrat will be given the authority to coerce any school district to consolidate, dissolve, or restructure itself without the expressed and specific approval of the legislature.

12. SCHOOL IMPROVEMENT PLANS

Under the 1993 Education Reform Act, every school was required to develop a School Improvement Plan (SIP) on an annual basis for approval of the superintendent and school committee. Several years ago, during action on a technical amendment, the role of the school committee was reduced to reviewing, but not approving the plan. MASC saw this change as diminishing the oversight authority of school committees. With the introduction of the new educator evaluation system and its applicability to superintendents, we see the SIP as invaluable evidence of adherence to district goals and strategic plans.

MASC urges the legislature to correct the error made several years ago and authorize the school committees to approve School Improvement Plans.

13. RETENTION OF MEDICAID COVERED SERVICES

School districts provide services to students with Medicaid coverage and may seek reimbursement for these services. In fact, under the federal Affordable Care Act, Medicaid eligibility has been expanded and, thus, districts are able to file for greater reimbursements because of the higher number of eligible students receiving services. However, Medicaid reimbursement is not always shared in part or in full with the school districts once the payments are made to cities and towns. (Regional districts may retain 100% of the Medicaid reimbursement.)

MASC urges the legislature to require that Medicaid reimbursements be returned directly to the school districts since the services are provided by school district professionals.

14. COVERAGE FOR MEDICALLY INSURED SERVICES IN SCHOOLS

Very often, school districts must provide medical services and/or therapies to students whose IEPs require specific treatments during the course of the school day.

In most cases, these are services that are covered by health insurance. If the student is covered under Medicaid, the district can bill Medicaid for the costs of providing the services and be reimbursed by Medicaid. However, private insurers are not required to reimburse school districts for providing medical services to students even if those services would be covered were the students to seek them from an outside provider.

MASC urges the legislature to authorize school districts to bill health insurance carriers for medically necessary services to children in school that would otherwise be covered if provided by private clinicians.