

State/Education Financial Projections Uncertain

But key lawmakers committed to taking up Foundation Budget Review Commission recommendations

The future of state and education finances, and the status of the Foundation Budget Review Commission's recommendations led the agenda at last month's Suburban Coalition meeting, co-sponsored by MASC Divisions I, II, III, IV, XIII, IV and the Minority Caucus. The well-attended program held in Newton featured a legislative panel discussion of the state's financial state of affairs, the impact of the economy on Chapter 70 and the urgent need for reform of the foundation budget. Joining MASC Executive Director Glenn Koocher on the panel were Senate Ways and Means Chair Karen Spilka, House Joint Committee on Education Chair Alice Peisch, and Chief of Staff for Senate Joint Committee on Educa-

tion Chair Sonia Chang-Diaz, Nathanael Shea. MASC Field Director/Suburban Coalition President Dorothy Presser moderated the discussion.

Last November, a 21-member commission released a report calling for updates to the way the state calculates the per-pupil cost of delivering education in MA, saying that the systems starting point, the foundation budget, underestimates the cost of educating students by at least \$1 billion per year.

The recommendations included increasing the rates paid to districts for special education students, aligning health insurance costs and inflation rates to Group Insurance Commission numbers, providing "tiered support" for

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Report on the Resolutions 2016

The following is a report on actions taken on the resolutions that were considered by the Delegate Assembly at the annual meeting in Hyannis on Wednesday, November 2. There were 133 districts represented at the Assembly.

Resolution 1—Foundation Budget

(Submitted by the MASC Resolutions Committee)

BE IT RESOLVED that MASC calls upon the legislature to enact the recommendations of the Foundation Budget into law, and further,

- That the legislature order the Commission to reconvene in order to conduct further deliberations and make such recommendations as the FBRC may propose, and further
- That the FBRC shall address and make recommendations toward the overall accuracy of the adequacy of the overall Foundation Budget.

An amendment was proposed by the delegate from Everett to add the following:

- That the FBRC shall address and make recommendations toward the overall accuracy of low income students.

The amendment was approved unanimously.

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Election 2016: What's Next for K-12 Education?

One thing is certain following the unanticipated twists and turns of the recent election season: no one knows what's down the federal road for education reform, education funding and corollary support systems.

Despite the fact that during the campaign Trump often vowed to reduce the role or outright eliminate the U.S. Department of Education, his recently announced choice for Education Secretary, Betsy DeVos, a businesswoman, philanthropist, and education activist from Michigan known for her advocacy of school choice, voucher programs, and ties to the Reformed Christian community, has raised justifiable concerns about increased support at the federal level for vouchers and charter schools.

And where changes at the Department of Education are concerned, those with a mind to guess are betting that many of the Obama education advisories (known as "Dear Colleague" letters) will be withdrawn. These include a number of issuances from the Office of Civil Rights around racial and special needs disparities in student discipline rates; rights of transgender students; and gender equity in career and technical education.

Other seasoned prognosticators are speculating that even more authority over K-12 education policy may be restored to states than originally anticipated (in Massachusetts that means to the MA Department of Elementary and Secondary Education NOT to local communities). This would also mean fewer regulations/enforcements coming out of Washington.

Across the country, state education officials have insisted that they are not waiting to see what changes may befall ESSA but are moving forward with local

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MA NEWS

MASC HOSTS ANNUAL EDUCATION ATTORNEYS WORKSHOP

On Friday, December 9, MASC hosted the Massachusetts Council of School Attorneys (COSA) in Boston for “Emerging Issues in Education Law” the Council’s annual discussion of current and upcoming legal issues concerning Massachusetts school districts. Topics discussed included the New Public Records Law, *Chadwick v. Duxbury Public Schools*; *Spencer-East Brookfield Regional School District v. Spencer-East Brookfield Teachers Association*; and the *Plymouth* case. The MA Department of Elementary and Secondary Education Legal Office provided



a review of current and upcoming regulations and issues in Massachusetts, and MASC General Counsel Stephen Finnegan gave an update on recent legislation and case law.

Copies of all the handouts including summaries of the cases and

public records and opiate law updates have been posted on the MASC website: <http://www.masc.org/member-resources-3/news/latest-events/15-events/799-emerging-issues-in-education-law-2016>

The Council’s annual business meeting was also held, and Rebecca Bryant of Stoneman, Chandler & Miller was elected to serve as president of the council for 2017, succeeding 2016 president Kimberly Rozak (pictured) of Mirick O’Connell.

Election 2016

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plans for new accountability systems and tests, revised learning standards and educator improvement plans and accountability. Other unknowns include the future of certain federal spending grants which govern how states and districts allocate money between poor and less-poor schools, a strategy that was intended to close a loophole that prevents disadvantaged children from getting access to resources, but that came under fire from a number of practitioners as well as ESSA’s Republican sponsors in Congress.

And despite the President-Elect’s bashing of Common Core standards and other accountability measures on the campaign trail, the incoming administration may have limited sway over some of these areas, in part because of a list of prohibitions on the education secretary’s role included in ESSA. These prohibit the secretary from telling states that they must ditch a particular set of standards (such as Common Core). Nor could the secretary offer states conditional waivers of ESSA requirements in exchange for, say, adopting school choice programs or ditching teacher-tenure protections.

Many MA educators have also raised concerns about the immigration stance of the incoming administration, including the President-Elect’s campaign promise to deport millions of undocumented immigrants and repeal temporary protections for young immigrants who were illegally brought to the United States as children. For millions of K-12 students who are the children of undocumented immigrants, many who are enrolled in Massachusetts schools, the effect of these proposed policies could be wide-spread and devastating.

Among the most likely targets is the Deferred Action for Childhood Arrivals (DACA) policy, established by Obama in 2012, that allows undocumented immigrants who came to the US as children to receive temporary work authorization and protection from deportation. Because the initiative was created through executive authority, the incoming president could alter or end it as part of his stated plan to crack down on illegal immigration. Educators around the Commonwealth have reported that many of their students are wondering if they, their families, or their friends are going to be deported.

There is no clear answer to that right now.

PERTINENT AMENDMENTS TO PUBLIC RECORDS LAW EFFECTIVE JANUARY 1, 2017

MASC General Counsel Stephen Finnegan reminds members that the new Public Records Law becomes effective January 1, 2017. A LEGAL ALERT mailed to members on December 12 included a brief summary of the changes to the Public Records Law prepared by the Massachusetts Secretary of State.

Of particular importance for school districts is the requirement for municipalities to designate one or more Records Access Officer(s) (RAO). The contact information for the RAOs must be conspicuously posted on the municipality’s website, not later than January 1, 2017, although Finnegan notes that the Public Record regulations will not be finalized until mid-December.

In addition, he noted, there is some confusion surrounding the RAO in regional school districts. This is not a particular problem for city and town school committees, in part, because the municipality is required to appoint 1 or more RAOs, which may include a designee from the school district. The term municipality is defined in existing law as a city or town see G.L. c. 4, S. 7, nineteenth. The final regulations may address the regional school district issues more definitively. However, if clarification is not forthcoming, Finnegan recommends that the current custodian of records in a regional school district (generally the superintendent) post by January 1, 2017 their contact information prominently on the district’s website, if available, and include their email address and reference that public record requests to the district must be sent to the them. If the final regulations address the regional school district matter MASC will send an email notification to those on our list.

2016 conference in pictures



MASC President Jake Oliveira congratulates State Senator Michael Moore who was named the Association's 2016 Legislator (Senator) of the year. Oliveira praised the Senator as a long-standing advocate of key MASC issues, including securing local approval requirement in the Senate version of the 2016 charter reform bill (the RISE Act). "As Senate Chair of the Committee on Higher Education, he's been an important agent for building collaboration between our school districts and the state's network of universities, colleges and community colleges." Now in his fourth term, Moore continues to speak out against unfunded local mandates, and helped move forward MASC's legislation on school improvement plans.

State Representative Stephen Kulik, who was honored as the Association's 2016 Legislator of the Year representing the House, serves constituents in the First Franklin District, comprised of 16 small communities stretching from the Hampshire hill towns to the Quabbin Reservoir. Kulik began his political career as a selectman in the town of Worthington (population: 1,156). "Representative Kulik has used his position to advocate for our small and rural districts," Oliveira noted. "He has also been in the forefront of efforts to ensure that dollars go to the people in schools who actually teach and serve children and been among those who fought for our districts and their right to share services, merge or regionalize on their own terms, based on what is best for them."



Delegates debated and voted on resolutions relating to the charter school reform ballot question; social and emotional well-being of students; the tax reform ballot question; and the Foundation Budget Review Commission recommendations at the Annual Delegate Assembly on November 2. (See related article for actions taken.)



The Thomas P. ("Tip") O'Neill Jr. award, MASC's highest honor, was presented this year to Michael Cavanaugh, a 40-plus year member and chair of the Pathfinder Regional Voc. Tech. School District. Cavanaugh was recognized as a cheerleader for students, a mentor for his fellow board members, an active participant in numerous MASC committees, including as a member of the Board of Directors and champion for vocational education and a community leader for children and families in need.



Keynote Dinner Speaker Reverend (and former TV news anchor) Liz Walker spoke compellingly about her experience working with children and families in poverty. Poverty, she said, "isn't just an economic issue anymore. Poverty is being stuck (and helpless) in the health care, legal and justice systems. And it's the children who are carrying the burden of violence, addiction and the fallout of family trauma. We need to give kids a chance to talk. A safe space. Find out their stories—and then dig deeper into those stories."

COSCAP (MA Council of School Committee Administrative Personnel) held a day-long workshop during the annual conference focusing on ethics and school employees; personnel records; job descriptions; and other issues.



Incoming MASC 2017 President Patrick Murphy (Barnstable) spoke to the theme of stewardship and urged school leaders to embrace the role. Recalling the words of former New York Governor Mario Cuomo he described stewardship as "the commitment of each to the welfare of all; a commitment embodied in what we do as individuals but also in what we do together for each other, as a community, as a government, as a family. The concept of stewardship of the common good has always been an integral part of our government, written into our Constitution and much of our history has been take up in the struggle to expand it."



At the Life Member Dinner, current and newly elected life members were recognized. Seated in the foreground newly elected Life Member Charlie Flahive (Blue Hills). Standing, left to right: former MASC Executive Director Paul Gorden; Past President Frank Heggarty (Avon) and Life Member Robert Brousseau (Wareham).



State/Education Financial Projections

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districts with high concentrations of poverty, and increasing rates for English Language Learners.

If the Commission's insurance and special education adjustments were adopted in full, the amount of local education aid issued statewide would need to increase by nearly \$432 million. If adopted partially with the intent of phasing in changes over four year, the increase would be nearly \$96 million.

Recognizing that revenue continues to be the biggest hurdle and despite these seemingly staggering numbers, the panel was optimistic about a multi-year solution coming in the upcoming session. Senator Spilka and Mr. Shea spoke of the dual attempts by the Senate to move forward on implementation in the past session, first in the RISE Act and then in the Senate budget. Representative Peisch particularly emphasized the need for continued advocacy citing local impacts of implementation to elected representatives.

"There is no doubt that the FBRC recommendations will be a priority in the 2017 session. A concern, however, will be that it's a complicated issue—not every community will benefit but we have to make the effort to help those districts that really can't meet their funding needs."

Senator Spilka urged that people bring their concerns to their representatives and senators to build critical mass. She commented that even ten constituents contacting her office makes a difference. Mr. Shea noted that this should be a conversation, where those advocating should ask and be answered on how their elected officials feel about the issue. He spoke of the decision to make this a priority, commenting that in 1993 when the funding formula was enacted as part of education reform, the state really didn't have money to spare but committed to funding the formula nonetheless.

There was repeated concern, first from Glenn Koocher, of the uncertainty of how the recent election would impact Massachusetts: questions of education funding, of Medicaid, of surrounding funding and policy decisions remain entirely unknown at this point. Senator Spilka spoke of the two billion dollars of reimbursement the Affordable Care Act sends to Massachusetts each year; loss of that funding would create a significant revenue problem.

With regard to revenue, the Fair Share amendment to the state constitution (the so-called "millionaire's tax") was discussed, which would raise two billion dollars, intended for education and for transportation. The amendment, passed once by the Legislature, will



Representative Alice Peisch; Nathanael Shea, Chief of Staff to Senator Chang-Diaz; Senator Karen Spilka

be considered by the Legislature for a second time this coming year; should it again pass, it will be on the ballot in November of 2018, "and that," said Representative Peisch, "is where the real battle will be." (Note: At MASC's 2016 Annual Meeting held on November 2 in Hyannis, the delegates voted to support exploring ways to find additional revenue to fund the FBRC recommendations, one of which might be passage of the Fair Share amendment.)

The panel closed with the importance of bringing these conversations back to local communities for a broader reach on the impact of the reconsideration of the foundation budget and to build up a broad coalition to advocate that education funding reform become—and remain—a priority.

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The resolution, as amended, was approved unanimously on a voice vote.

Resolution 2—Tax Reform Ballot Question

(Submitted by the MASC Resolutions Committee)

WHEREAS there is a clear need to invest in our state's educational, social, and infrastructure systems, and

WHEREAS the need to rebuild our roads and bridges, strengthen public education, and provide the necessary support to help ensure social and economic equity for the residents of Massachusetts, and

WHEREAS a reasonable solution could be a combination of tax reforms and measures of accountability to establish

a more equitable source for revenue and a more effective way of measuring our success, and

WHEREAS Net income growth over the past decade has demonstrated a disproportionately lower tax burden as a share of net income upon high wage earners within a current tax system than is asked of economically disadvantaged and middle class families, and

WHEREAS Advocates for social and economic equity are considering seeking to ask voters to amend the Constitution of the Commonwealth to allow for greater tax equity that will not raise taxes on any but the wealthiest residents of Massachusetts,

WHEREAS the Foundation Budget Review Commission recommended additional revenue and securing a more equitable distribution of those funds, and

THEREFORE BE IT RESOLVED that the Massachusetts Association of School Committees explore ways to promote social and economic equity through a ballot initiative whose purpose may include a state constitutional amendment, tax reform, protection of the state's neediest residents of all ages, and seeks additional revenue only from tax reform affecting the state's wealthiest residents.

Further, that the goal of such a ballot referendum would be to secure a stronger financial base to underwrite needed improvements in the infrastructure of the Commonwealth as well as the educational, social and economic wellbeing if its residents.

An amendment was proposed by the delegate from Plymouth to add the following text (printed below in bold text) to the final "Whereas. . . ."

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WHEREAS the Foundation Budget Review Commission recommended additional revenue and securing a more equitable distribution of those funds, **and explore ways to find additional revenue to fund it.**

The amendment passed 61-37.

The resolution, as amended, was adopted on a vote of 67-41.

Resolution 3—Charter School Reform Ballot Question

(Submitted by the MASC Resolutions Committee)

WHEREAS the possibility of the expansion of Commonwealth charter schools in Massachusetts poses a threat to the ability of public school districts to provide services to the children of the Commonwealth, and

WHEREAS in many cities and towns, Commonwealth charter schools are imposed upon communities over their objections and without regard to the impact such a charter school would have on the education of children in the public schools, and

WHEREAS without substantial reform of Commonwealth charter school financing; recruitment of students; accurate, unduplicated, and students who are no longer seeking to enroll but are alleged to be on charter school waiting lists; equitable charter school enrollment of representative segments of the population of economically disadvantaged, special education, and disabled students remediation of the adverse impact of charter school expansion cannot be addressed, and

WHEREAS these circumstances would be exacerbated by the approval by voters of a proposed ballot initiative to expand charter schools and to circumvent such safeguards as would address several of the inequities arising out of the expansion of charter schools in Massachusetts;

THEREFORE BE IT RESOLVED that the Massachusetts Association of School Committees urge the citizens of the Commonwealth to reject such a ballot initiative, and further, That MASC seek legislative approval of a comprehensive set of reforms that includes:

1. Establishment of strict guidelines or regulations to require that charter schools enroll represent cross sections of students residing within the school service areas.
2. Reporting of accurate numbers of students who leave charter schools to return to the sending districts or district of residence.
3. Requiring the MA Department of Elementary and Secondary Education to retain and report accurate data on enrollment of students with learning disabilities, physical disabilities, economic disadvantage, emotional disability and status as racial and linguistic minorities.
4. State requirements that any charter school authorized in a community without its consent be funded in full by the Commonwealth rather than by expropriation of Chapter 70 education aid from the sending cities, towns and regions.
5. State funding in full of any mitigation funds created to offset the loss of state funding for students who become students in charter schools.

An amendment was proposed by the delegate from Newton to add the following language in bold text to item number 3, as follows:

1. Requiring the MA Department of Elementary and Secondary Education to retain and report accurate data on enrollment of **English Language Learners**, students with learning disabilities, physical disabilities, economic disadvantage, emotional disability and status as racial and linguistic minorities.

The amendment was approved by a show of hands.

An additional amendment was further proposed by the delegate from Newton that would add the following item: Requiring charter boards of trustees to be accountable and to include a member of the school committee from the sending district as well as to include parents as 25% of its membership, and to include a student.

This amendment was rejected on a show of hands.

The resolution, as amended, was adopted on a show of hands.

Resolution 4—Social and Emotional Well-Being of Students

(Submitted by the MASC Resolutions Committee)

WHEREAS various factors including the

impact of poverty, family status, other social issues and academic pressures have contributed to a marked increase in the levels of stress and anxiety among students at all grade levels, and

WHEREAS the expansion of standardized testing to a wider range of students and these tests to establish ratings for schools and districts has contributed to the growing concern among educators that students are exhibiting complications of adding stressful factors to their lives both inside and outside of school, and

WHEREAS advocates for students, including school committee members, school leaders, teachers and parents have identified that an effective strategy for children is to address social and emotional learning (SEL) by various tactics, and

WHEREAS in response to the demand for SEL, initiatives have been organized by several stakeholder groups including a collaboration of MASC, MASS, MIAA, MSSAA, MESPA, MOEC, and Teachers 21, and, in addition, a separate working group within MASC to identify available resources, new strategies, and tactics to promote the social and emotional well-being of children,

THEREFORE BE IT RESOLVED that the Massachusetts Association of School Committees shall be directed to deploy such resources of the Association independently and in collaboration with other organizations to gather resources, identify strategies, and improve public awareness of the importance of addressing student social and emotional well-being, and further that MASC shall give consideration to such public policy initiatives that prioritize action by stakeholders and stakeholder groups, in collaboration with expert behavioral and health care providers, as the most effective entities for addressing strategies that are in the best interests of children.

An amendment was proposed by the delegate from Holyoke to add in the first line the following language in bold text: WHEREAS various factors including, **but not limited to**, the impact of poverty, family status, other social issues and academic pressures have contributed to a marked increase in the levels of stress and anxiety among students at all grade levels The amendment passed as proposed on a voice vote.

The resolution, as amended, passed unanimously.

MA Students Score among World Leaders on PISA Reading Tests

The recently released results of the 2015 PISA tests showed that MA students' reading and science scores place the state in a league with the top-scoring nations in the world.

If MA were a nation, it would share the top spot in reading with eight other nations worldwide. In science, the state's students and those from 10 nations came in second, trailing only students from Singapore. In math, 11 other nations were ahead of the Commonwealth. The results come from the 2015 Program for International Student Assessment (PISA), a triennial international survey designed to assess how well 15-year-old students can apply their knowledge and skills.

Last year, over 500,000 students participated in PISA, including more than 5,700 students from the United States. Massachusetts was one of two U.S. states that participated in order to receive state-level results that can be compared to the results of other participating systems. A random, representative sample of approximately 1,600 students from 49 Massachusetts public schools took a two-hour, computer-based PISA test between September and November 2015.

Students from MA outscored students from the other participating state, North Carolina, as well the nation as a whole.

The Program for International Student Assessment, first conducted in 2000, is coordinated by the Organization for Economic Co-operation and Development (OECD), an intergovernmental organization of industrialized countries. In this country, PISA is conducted by the National Center for Education Statistics.

Other 2015 PISA results for Massachusetts include:

Reading:

- Massachusetts students scored an average of 527 in reading. The U.S. average was 497, while the OECD average was 493. Students in North Carolina scored on average 500.
- No national education systems scored statistically higher than Massachusetts, although eight had similar scores to Massachusetts: Singapore, Hong Kong (China), Canada, Finland, Ireland, Estonia, the Republic of Korea and Japan.
- Female students in Massachusetts (average scores of 536) outperformed male students (average score of 518), but the gender gap has narrowed since 2012 from 32 points to 18 points.

Science:

- Massachusetts students scored an average of 529 in science. The U.S. average was 496, while the OECD average

was 493. Students in North Carolina scored on average 502.

- The only education system that statistically outperformed Massachusetts in 2015 was Singapore (average score of 556).
- The difference between the average scores for male (534) and female (524) students in Massachusetts was not statistically significant.

Mathematics:

- Massachusetts students scored an average of 500 in mathematics. The U.S. average was 470, while the OECD average was 490. Students in North Carolina scored on average 471.
- The 11 education systems that statistically outperformed Massachusetts on math in 2015 were Singapore, Hong Kong (China), Macau (China), Chinese Taipei, Japan, Beijing-Shanghai-Jiangsu-Guangdong (B-S-J-G) (China), the Republic of Korea, Switzerland, Estonia, Canada and the Netherlands.
- Ten percent of Massachusetts students were top performers in mathematics, compared to 35 percent of students from Singapore, the top achieving system.

For additional information about PISA, visit the National Center for Education Statistics' website at <https://nces.ed.gov/surveys/pisa/>.

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