

HOUSE No. 3392

The Commonwealth of Massachusetts

PRESENTED BY:

Michelle M. DuBois

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a foundation budget reserve account.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>

<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

HOUSE No. 3392

By Ms. DuBois of Brockton, a petition (accompanied by bill, House, No. 3392) of Michelle M. DuBois and others for legislation to establish an unfunded student reserve fund to be expended, without further appropriation, by the Department of Elementary and Secondary Education. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act establishing a foundation budget reserve account.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 29 of the General Laws is hereby amended by inserting after section 2QQQQ, as
2 appearing in section 14 of chapter 359 of the acts of 2014, the following section:-

3 Section 2RRRR. (a) There shall be established and set upon the books of the
4 commonwealth a separate fund to be known as the Unfunded Student Reserve Fund to be
5 expended, without further appropriation, by the department of elementary and secondary
6 education. The fund shall consist of public and private sources, which may include
7 appropriations, gifts, grants and donations, interest earned on such revenues and any funds
8 provided from other sources. Revenues deposited in the fund that are unexpended at the end of
9 the fiscal year shall not revert to the General Fund and shall be available for expenditure in the
10 following fiscal year.

11 (b) The board of elementary and secondary education, as trustee, shall administer the
12 fund and shall make expenditures from the fund consistent with this section; provided, however,
13 that the fund shall maintain a balance of no less than \$5,000,000 nor more the an \$30,000,000;
14 and provided further, that no more than 8 per cent of the amounts held in the fund in any 1 fiscal
15 year shall be used by the board for the costs of administering the fund.

16 (c) The Foundation Budget Reserve Fund shall be used to reimburse school districts
17 receiving a large number of new students over the course of the fiscal year, the cost of which
18 may not reasonably be anticipated for the purposes of calculating the foundation enrollment and
19 foundation budget for each district pursuant to chapter 70.

20 (d) The board of elementary and secondary education shall establish a process through
21 regulation by which districts shall apply to and receive reimbursement from the fund. The
22 process shall, at a minimum, require that: (1) a district may only receive reimbursement from the
23 fund if the district has a net enrollment of more than 100 new students between October 1 of the
24 previous year and March 1 of the year in which the district is applying; (2) the application
25 deadline shall be March 1 of each year; (3) reimbursement shall be provided on or before April
26 15 of each year; and (4) reimbursement shall be equal to (i) the state portion of the foundation
27 budget for the current fiscal year for each new pupil enrolled between October 1 of the previous
28 year and March 1 of the year in which the district is applying, or (ii) a pro-rated amount,
29 determined by the board of elementary and secondary education, based on available funds and
30 the number of students across the commonwealth who qualify for such funding.