

HOUSE No. 458

By Mr. Hynes of Marshfield, petition of Frank M. Hynes for legislation to establish a financing plan for the public schools of the Commonwealth. Education.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE STATE’S RESPONSIBILITY TO THE PUBLIC SCHOOLS.

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

1 *Whereas*, Part 11, C.5, Section ____ of the Constitution of the
2 Commonwealth of Massachusetts states “it shall be the duty of legis-
3 latures and magistrates, in all future periods of the Commonwealth,
4 to cherish the public schools, and;

5 *Whereas*, the Supreme Judicial Court of the Commonwealth of
6 Massachusetts in its decision of June 15, 1993; “McDuffy vs. Secre-
7 tary of the Executive Office of Education” stated, that the ‘Massa-
8 chusetts Constitution imposes an enforceable duty on the
9 Magistrates and Legislatures of this Commonwealth to provide edu-
10 cation in the public schools for the children there enrolled, whether
11 they be rich or poor and without regard to the fiscal capacity of the
12 community or district in which such children live and that it is the
13 responsibility of the Commonwealth to take such steps as may be
14 required to devise a plan and sources of funds to meet this consti-
15 tutional mandate’

16 The Committee on Education and Committee on Ways and Means
17 are hereby authorized and directed to establish a state financing plan
18 for the public schools which shall require that no less than 25 per
19 cent of each school district’s “foundation budget”, as defined by
20 Chapter 71 of the Acts of 1993 and subsequent definitions, shall be
21 paid from the Treasury of the Commonwealth and appropriated in
22 each fiscal year. Said plan shall be in effect for the fiscal year 2008.
23 Thereafter said plan shall require that in each subsequent year the
24 state’s share of each school district’s foundation budget shall rise by

25 5 per cent so that by the year 2014 each school's foundation budget
26 shall be financed by no less than 40 per cent in state financial assis-
27 tance.