


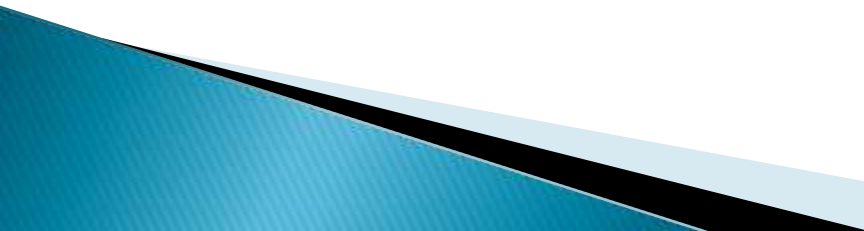
# ***Impact of Policy Makers on Regional School Districts***

***MASC-MASS Joint Conference  
Thursday, November 5<sup>th</sup>, 2015***


# ***Capital Exclusions for Regional School Districts***

- ▶ *In the Spring, 2006, the towns of Ashburnham and Westminster passed a capital exclusion for the Ashburnham-Westminster Regional School District (via successful votes at Town Meetings and ballot elections).*
  - ▶ *However, once the Department of Revenue reviewed the vote in order to certify the funds, the regional district was informed that such an action was not allowed under the existing statute.*
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# *Capital Exclusions for Regional School Districts*

- ▶ *DOR informed the AWRSD that they would allow them to move forward with that year's capital exclusion,*
  - ▶ *but would not allow them to repeat their request for a capital exclusion in years to come without amending the statute to allow regional school districts to be able to request and receive capital exclusions.*
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# *Capital Exclusions for Regional School Districts*

- ▶ *The MASC Regional Schools Committee brought the situation to the attention of then Regional Schools Caucus Chair Rep. Cleon Turner.*
  - ▶ *On behalf of MASC, Representative Turner filed the bill, and Senator Stephen Brewer co-sponsored it.*
  - ▶ *The problem: **The existing statute did not mention regional school districts.***
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# *Capital Exclusions for Regional School Districts*

- ▶ Whereas, The deferred operation of this act would tend to defeat its purpose, which is to streamline the regional school budget process, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

**SECTION 1.** Section 21C of chapter 59 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word “expenditures”, in line 124, the following words:– or for the city’s or town’s apportioned share for certain capital outlay expenditures by a regional governmental unit.

**SECTION 2.** Said section 21C of said chapter 59, as so appearing, is hereby further amended by striking out, in line 131, the words “nineteen hundred” and inserting in place thereof the following words:– two thousand.

**SECTION 3.** This act shall take effect for fiscal years beginning on or after July 1, 2007.

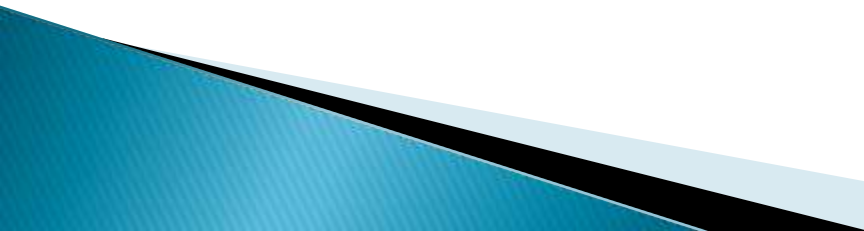
# *Capital Exclusions for Regional School Districts*

- ▶ H. 586 was approved August 14, 2007


- ▶ *Acts of 2007, Chapter 91*

***AN ACT RELATIVE TO THE REGIONAL  
SCHOOL BUDGET PROCESS.***


# *Chapter 222 of the Acts of 2012*

- ▶ *“Instructional costs associated with providing alternative educational services under this section shall be eligible for reimbursement under section 5A of chapter 71B, subject to appropriation.”*
  - ▶ *The concern was that the legislature might not annually appropriate enough funds to cover these costs.*
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# *Chapter 222 of the Acts of 2012*

- ▶ *AWRSC wrote to State Auditor Suzanne Bump asking for her office to review the law, and provide a determination if this constituted an unfunded mandate.*
  - ▶ *In January, 2013, Auditor Bump responded to the Committee. She requested the AWRSD provide additional financial impact information when the law went into effect.*
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# *Chapter 222 of the Acts of 2012*

- ▶ *Beginning June 1, 2014, districts which suspended or expelled students from school were required to ensure that those students would be able to make continued educational progress during the time they are excluded.*
  - ▶
  - ▶ *Districts are required to make policy changes and train staff to comply with the new mandates. New education service plans may include tutoring, alternative placements, distance learning and providing educational services outside of regular school hours.*
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# *Application of the Local Mandate Law as it applies to Chapter 222 of the Acts of 2012*

- ▶ *Issue: the requirement to provide alternative educational services to students who are under extended exclusion from school (more than ten consecutive school days), set forth in Section 9 of Chapter 222*
- ▶ *State Auditor's findings:*
  - *Is a law that went into effect after 1980*
  - *Clearly effects a substantive change in the obligations of local school officials*
  - *Obligations of Chapter 222, Section 9 will be imposed by the State, and will not be undertaken voluntarily at the local level*

**Chapter 222, section 9 falls within the scope of the Local Mandate Law**




# *State Funding for Chapter 222, Section 9*

- ▶ *The level and method of state funding contemplated by Chapter 222, Section 9 **does not satisfy** the state funding standards of the Local Mandate Law*
  - *Methodology will utilize formulas that calculate reimbursement amounts based upon the prior year's cost data and that will not reimburse school departments for their costs until a year after those costs are incurred (Lexington decision calls for "same session" funding in the fiscal year in which costs are incurred. Lexington, 393 Mass. at 700-701)*
  - *Chapter 222 expressly states that this funding mechanism will be "subject to appropriation."*

*Chapter 222, Section 9 does not call for the full funding specifically targeted to assume the costs of the mandated services required by the Lexington Court's interpretation of the Local Mandate Law*

# Regional School Transportation Reimbursement and 9C cuts

- ▶ *In October, 2009, Governor Patrick made a series of 9C cuts, including devastating cuts to Regional School Transportation reimbursement. (\$18M cut = 44% reduction in FY10).*
  - ▶ *Nov. 2<sup>nd</sup>: Sixty legislators wrote the Gov. opposing his RST 9C cuts.*
  - ▶ *Nov. 17<sup>th</sup>: Section 15 is introduced as an amendment.*
  - ▶ *Dec. 2009: Gov. Patrick reverses the RST 9C cut.*
  - ▶ *January 19<sup>th</sup> 2010: The 2010 Act was enacted (including Sec. 15).*
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# Regional School Transportation Reimbursement and 9C cuts

- ▶ *The Patrick Administration maintained that Section 15 did not apply to them or their ability to make RST cuts under 9C.*
- ▶ *Did not agree with the legislature's position that no cut to RST should be greater than the same percentage cut made to Chapter 70.*
- ▶ *January 5, 2015: Cain, Hibbard and Myers writes a legal opinion for MARS stating "we think good arguments exist that the Governor exceeded his delegated Section 9C authority when he reduced FY15 Regional School Transportation reimbursement payments absent any corresponding FY15 reduction to chapter 70 aid."*