

report of the resolutions committee

#17-241

The MASC Resolutions Committee met on July 5, 2017 to consider the resolutions proposed by member districts for consideration at the 2017 Annual Meeting of the Association. Members present: Beverly Hugo, Framingham (Chair, Ex Officio), Patrick Francomano, Past President and King Philip Regional School Committee, William Fonseca, East Longmeadow School Committee; Margaret Driscoll, Melrose School Committee; Laura Fallon, Northampton School Committee, Irene Feliciano-Simms, Holyoke School Committee; Mildred Lefebvre, Holyoke School Committee; Geoff Swett, Wareham School Committee; Brian O'Connell, Worcester School Committee; Brendan Walsh, Salem School Committee

The following resolutions were moved forward by the Resolutions Committee and approved by the MASC Board of Directors at their meeting on July 12.

RESOLUTION 1: MOVEMENT OF THE CHAPTER 70 FUNDING ENROLLMENT DATE TO MARCH 15

Submitted by the Framingham School Committee

WHEREAS: District schools in Massachusetts Department of Education report peak enrollment in the months of January, February and March.

WHEREAS: House Bill 2846 would provide that a district may only receive reimbursement from the proposed Unfunded Student Reserve Fund if the district has a net enrollment of more than 100 new students between October 1 of the previous year and March 1 of the current year.

WHEREAS: Many districts must have their budgets completed prior to knowing what their Chapter 70 funds amount will be.

THEREFORE BE IT RESOLVED that: The Massachusetts Association of School Committees file for and support legislation that will implement the movement of the Chapter 70 funding enrollment date to March 15th.

RATIONALE: Giving the districts the ability to base their budget on the enrollment rate after the peak enrollment time will allow districts to base their budget with increased accuracy to meet the needs of their student population. Underfunding leaves students at risk to fall behind due to not having the appropriate staffing, technology or needed educational materials. Smaller districts will be more at risk as their admission rate may not reach the required 100 students proposed in House Bill 2846 (2017) and will be least able to absorb the additional cost of unfunded students. For larger districts the proposed Unfunded Student Reserve Fund will still leave them underfunded as the amount proposed to be set aside will not meet the needs of the students across the state.

RESOLUTION 2: REFORM OF CIRCUIT BREAKER FUNDING

Submitted by the Framingham School Committee

WHEREAS: The Special Education Circuit Breaker program includes a provision that only allows districts to claim for extraordinary relief when claimable special education costs exceed 125% of the year's claimed costs.

WHEREAS: There are many districts that have a large special education population especially with regard to out-of-district placements that will never reach the special provision of 125%. Framingham alone has budgeted over \$42 million for district SPED costs.

WHEREAS: Out-of-district placement costs are rising yet the out-of-district schools have not been liable for their expenditures to the taxpayers, and there is no accountability for the increases. Public schools are held accountable to the taxpayers for where every dime goes. In turn districts are unable to justify their rising expenditures and are unable to receive the additional funding needed from those to whom they are accountable.

WHEREAS: Medicare and Medicaid cuts that are being discussed threaten many districts who have their Physical Therapy, Occupational Therapy and Speech Therapy services paid for by those programs to bear the burden of these costs.

THEREFORE BE IT RESOLVED that: The Massachusetts Association of School Committees file for and support legislation that will support the provision of reform for Circuit Breaker Funding and support the recommendations of the Foundation Budget Review Commission.

RATIONAL: According to MAAPS 2012 Bottom Line Report between 2006 and 2012, special education costs in Massachusetts increased by 56% compared to 36% for all public education.

RESOLUTION 3: LITIGATION FOR FAIR SCHOOL FINANCE

Submitted by the Framingham School Committee

WHEREAS: As the result of a lawsuit (*McDuffy vs. Driscoll*), the MA Supreme Judicial Court ruled that the Commonwealth was obliged to provide such financial assistance so as to assure that there would be an adequate level of support for the public schools, and

WHEREAS: Public schools rely heavily on state financial assistance to underwrite the legislatively mandated level of "required net school funding" that meets the current standard of "adequacy" envisioned by the Supreme Judicial Court, and

WHEREAS: Based on the findings of the Foundation Budget Review Commission and the consensus of public educators across Massachusetts, state financial assistance to support a standard of adequacy sufficient to meet the Massachusetts Constitutional standard as determined in the *McDuffy* case, is lacking and

WHEREAS: The second attempt at litigation to secure greater state financial support was rejected by the SJC, but did not rule out a willingness to hear a future case should the situation merit consideration,

THEREFORE BE IT RESOLVED that: The members of the Massachusetts Association of School Committees, through its delegate assembly, authorizes the Board of Directors to:

1. Reassess the need for a new round of litigation to secure funding to guarantee an adequate appropriation of funds, and
2. Assess the viability of a lawsuit to secure such funding, and
3. Join with other parties at interest to plan and file such a lawsuit if it is determined that there is likelihood of success, and
4. That the Board of Directors shall be authorized to use the reserves of the Association to help underwrite the cost of such litigation.

RESOLUTION 4: PRIVATIZATION OF PUBLIC EDUCATION AND THE OVERSIGHT OF PUBLIC SCHOOLS, INCLUDING SMALL AND REGIONAL DISTRICTS

Submitted by the MASC Board of Directors

WHEREAS: The voters of Massachusetts overwhelmingly rejected a ballot initiative to lift the cap on charter school expansion, and

WHEREAS: In light of the decision of the voters, advocates for further reforms have proposed several new strategies that include such concepts as introducing federal tax credits for families who enroll their children in private schools, authorizing vouchers for use in private schools, and creating additional regulatory options to expand the power of the state to alter the status of schools and districts so as to limit the authority of the residents of their communities to oversee their public schools,

THEREFORE BE IT RESOLVED that: The Massachusetts Association of School Committees, recognizing the provisions of the state constitution, oppose any state or federal legislative initiative to authorize the use of state funds for education to subsidize the tuition or costs of private schools, except where specifically authorized for students in special education programs, or students with disabilities.

Further, MASC opposes any state legislative initiative that expands the authority of the Commissioner of Education, the Board of Elementary Education, or the Secretary of Education over schools and school districts beyond those already imposed, and that MASC further opposes the alteration or conversion of any school or district status

beyond that permitted by current law without the consent of the city, town or region in which the school or district is located.

MASC supports the protection of small and rural school districts from modifications in their governance format and regional structure without the consent of the member communities, and, further, supports recognizing the special financial requirements of these, often geographically large and difficult to access parts of the state.

RESOLUTION 5: USE OF FEDERAL FUNDS

Submitted by the MASC Board of Directors

WHEREAS: School districts are operating in difficult economic conditions as the cost of education exceeds normal inflationary growth in our economy, and

WHEREAS: The Commonwealth has provided some measure of relief, but the growth in Chapter 70 funding has failed to keep up with expanding costs, and

WHEREAS: Several federal grant programs allow the Commonwealth in general, and the Department of Elementary and Secondary Education, in particular, to take an administrative overhead allowance from government aid programs including the Elementary and Secondary Education Act, the Perkins Vocational Technical Education Act, and certain programs under the Department of Agriculture, and

WHEREAS: This money allocated for maintaining the state bureaucracy would be better deployed at the school and district level,

THEREFORE BE IT RESOLVED that: MASC urges the legislature to restrict the ability of the Commissioner, Secretary of Education or Board of Elementary Education to take for its own purposes or use by the Department of Elementary and Secondary Education, such as but not limited to administrative overhead of the state agency, any share of funds disbursed by the federal government under ESSA, the Perkins Vocational Technical Education Act, or programs under the oversight of the U.S. Department of Agriculture, and, further, that those funds be directed specifically to schools and school districts.

RESOLUTION 6: FOUNDATION BUDGET

Initiated by the Worcester School Committee
Sponsored by the MASC Board of Directors

WHEREAS: A special Foundation Budget Review Commission (FBRC) reported its recommendations in 2015 to the General Court and to the public, and

WHEREAS: Among the recommendations were those to calculate more accurately the costs of students in special education and health insurance costs for employees and retirees, and

WHEREAS: Several recommendations of the members of the Commission to establish adequate and equitable funding for school districts remain unresolved, and

WHEREAS: There remains a broad consensus that the overall calculations used to establish the "Foundation Budget" for city, town and regional school districts remain significantly understated and, in the opinion of MASC and its members, violates the letter and spirit of the ruling of the Massachusetts Supreme Judicial Court in the 1993 *McDuffy* case,

THEREFORE, 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.

RESOLUTION 7: AFFORDABLE CARE ACT AND MEDICAID

Submitted by the MASC Board of Directors

WHEREAS: The Affordable Care Act expanded access for health care to millions of Americans, including thousands of Massachusetts families who have been without health insurance, and

WHEREAS: Through the expansion of the Medicaid program, more families in economic distress gained access to health insurance and, subsequently, affordable health care, and

WHEREAS: The Medicaid program reimburses public school districts for certain clinical services provided to students who may be clients of special education or who experience disabilities, and this revenue provides critical support to the districts and municipalities where they are based, and

WHEREAS: The restriction of Medicaid eligibility and reduction of funding would require the Commonwealth to choose between extraordinary state budget increases to fill the gap or absorb the cost of caring for families that could lose health insurance,

THEREFORE BE IT RESOLVED that: MASC urges the Congress to preserve the Affordable Care Act and its expansion of Medicaid programs for the states, and further

- MASC urges the General Court to require that 100% of Medicaid reimbursements to cities and towns be provided in full amount to the public schools of each municipality to underwrite the cost of providing an adequate education.