

STATEMENT OF THE MASSACHUSETTS ASSOCIATION OF SCHOOL COMMITTEES

Before the Joint Committee on Municipalities and Regional Government

May 12, 2009

MASC welcomes the opportunity to present this statement on behalf of our member School Committees in regard to several provisions of municipal relief proposals in general, and, in particular, to the very comprehensive recommendations of the Special Commission on Municipal Relief.

While no single group has the monopoly on concern for the public interest, school committees are in a particularly challenging position. Massachusetts imposes the nation's most onerous regulatory burden on public school districts with 15 different forms of assessments, audits, accreditations, and other regulatory mandates. In fact, every district superintendent must comply with over 120 annual reporting mandates from the Department of Elementary and Secondary Education. All of these obligations represent an increasing administrative burden at a time when financing of public education is at risk.

On behalf of our membership, we commend the legislature for undertaking a detailed study of municipal relief and for being willing to put revenue enhancements on the table. We respectfully request that the legislature also consider seriously the cost of the state's education regulatory burden, some of which is federally inspired, but most of which originates with the Commonwealth.

We also commend the special commission for identifying many key issues, including the challenges of encouraging cities, towns, school districts, and regional government to think strategically about how they do their work. We welcome the opportunity to explore regional, collaborative, and innovative ways of educating children and to work with our municipal governments to achieve cost savings that improve service and further changes that promote teaching and learning. In both cases, we urge you to provide the incentives and the framework for rethinking how we govern at the local level, but we also urge a cautious and thoughtful process rather than one that is based on mandates and strict guidelines that might change the way we do business but do not necessarily make improvements.

We would like to highlight three areas of the commission's report.

First, regarding health insurance and health care for employees, we urge legislative change that makes it easier for a municipality or school district to enroll in the Group Insurance Commission without having to obtain the approval of 70% of unionized employees. In fact, we would support authorizing the municipal or regional authority to make this decision as a management right so long as the benefit package met the standard established by the Commonwealth as a comprehensive and affordable set of health care services.

We also believe that enrolling municipal employees in Medicare Part B when they become eligible is an effective vehicle for cost savings and support this proposal because it has no negative impact upon retirement health care delivery for beneficiaries and, more importantly, poses no ethical risks. It can also generate meaningful cost savings. We caution you about giving arbitrators or mediators the right to resolve collective bargaining differences over plan alternatives or choices. As we explain to our members in bargaining training, mediators and arbitrators do not have to live with the consequences of their recommendations – and this is a huge factor.

Second, we commend the commission for a thoughtful strategy to allow a 2% local meals tax and a room tax of up to 4% upon approval by the municipality. We understand and appreciate the distribution formula for meals tax revenues because it will also potentially benefit those municipalities that do not have the commercial base to generate meals tax revenues.

Third, with regard to proposals related to education, we urge much greater legislative oversight to the regulatory burden to which the report refers. A regulatory agency does not inherently like to reduce its regulatory authority, nor is there any real precedent for a Massachusetts agency doing so. The commission report, while identifying the problem, understates the real burden upon day to day school operations. It is our belief, based on discussions with our 51 colleagues who direct state and territorial school boards associations, that Massachusetts exceeds them all in the volume and time requirements for regulatory compliance.

We welcome your encouragement to DESE to make such consolidations and deletions as might be possible, but for the last decade, similar pleas to make the regulatory burden more reasonable have had no impact. We believe that much greater legislative oversight is required to tame this regulatory monster.

Regarding special education out-of-district placement costs, we endorse the concept of a single rate setting for the start of the fiscal year with changes allowed only if a student education plan changes and service needs require adjustment. In addition, we recommend that you consider seriously a rate freeze for FY 2010. This measure could save many communities as much as \$500,000 to \$1 million¹. Language to achieve this goal was proposed earlier in the session, and the text is reproduced in our written statement.

We agree with the commission that it is in the best interests of the cities and towns to work collaboratively in managing the efficiencies and economies of operational tasks. However, we believe that these collaborations and cost saving measures are already authorized under the current language of Chapter 71, Section 37M.

¹ Notwithstanding any general or special law to the contrary, the operational services division which, under [section 22N of chapter 7](#) of the General Laws, is responsible for determining prices for programs under [chapter 71B](#) of the General Laws, shall set those prices in fiscal year 2010 at the same level calculated for fiscal year 2009, except the prices for those programs for extraordinary relief, as defined in the division's regulations. Programs for which prices in fiscal year 2009 were lower than the full amount permitted by the operational services division may charge in fiscal year 2009 the full price calculated for fiscal year 2010.

The provision of the commission’s proposed legislation regarding this could strip the school committee of any role in negotiating or approving, or even reassessing how the integration of responsibilities would be achieved.

Currently some cities and towns work collaboratively to consolidate municipal and school functions by mutual consent of the school committee and the city council, aldermen, select board, town council or town meeting. The process has been carefully planned and negotiated. If it does not work, it can be rescinded. The current system works. In fact, in some cases, it is the school department that provides the consolidated services.

The proposal of the commission would give authorization to the “local appropriating authority.” This is problematic for several reasons:

- It strips from the superintendent of schools and the school committee – without their consent or even their input into the discussion - the ability to manage critical operational functions without their consent, undermining the ability of school administrators to meet their obligations as managers in critical business, finance, personnel and other areas.
- Several important functions of the school department are highly specialized, including the hiring, evaluation, and supervision of highly specialized personnel – many of whom must be hired quickly. Under this proposal, a superintendent could be at the mercy of a city or town personnel officer to expedite hiring of educators or the filling of vacancies that serve students who are in immediate need. For example, prior to the opening of the school year, districts often receive a flood of late resignations as teachers or administrators take other jobs in other districts. These positions must be filled quickly by administrators who must identify highly qualified, skilled and often highly specialized candidates. Also, this provision is dangerously vague in terms of which functions may be consolidated. We urge you to reject this imprudent recommendation and rely on the current language of Chapter 71, Section 37M that requires a joint decision in the best interests of children.