

Legislative Update

As the legislative year concludes, the General Court sent to Governor Baker a FY 2023 budget proposal. The Governor signed the bill on July 27, with no significant edits to education-related accounts.

Several important parts of the budget have been determined by the special Conference Committee that worked out the differences between the House and Senate.

Some of the line items of most interest to local school committee members include the following appropriations:

- METCO was funded at \$29.408 million, a significant \$1.5 million increase over the previous year. This program supports inner city students who attend suburban schools and has been one of the most successful programs over several decades.

- Regional transportation will remain at \$82.2 million, effectively level funding this line item.

- Chapter 70, general school aid to cities, towns and regional districts, will grow significantly by over \$485 million to a

mutually agreed to level of \$5.989 billion. Chapter 70 also provides a minimum of \$60 per student for those districts that might not have received sufficient state funding in the SOA allocation. This amount is double that of the previous year.

- The Special Education Circuit breaker is set at the higher House figure of \$441 million. Previously, the legislature had budgeted \$373.3 million for FY 2022. This will include additional reimbursement for a portion of special education transportation costs for high needs, high cost student needs. Advocates for special education will be monitoring this item during the year to see if a supplemental amount might be sought later on.

- Six million dollars in Social and Emotional Learning grants has again been provided in recognition of the growing demand for student mental health support.

- An increase in Charter School Mitigation funding will bring the total to \$243.805 million. This is over \$110 million higher than a year ago and will help

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New Guidance helps Schools Support Students with Disabilities

New guidance released July 18 from the Department of Education's Office for Civil Rights (OCR) and Office of Special Education and Rehabilitative Services (OSERS) helps public elementary and secondary schools fulfill their responsibilities to meet the needs of students with disabilities and cut back on high rates of suspension and expulsion, which some have deemed discriminatory.

These newly released resources are the most comprehensive guidance on the civil rights of students with disabilities concerning student discipline and build on the Department's continued efforts to support students and schools through pandemic recovery.

In making the announcement U.S. Secretary of Education Miguel Cardona noted that too often, students with disabilities face harsh

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And from the courthouse.....

This has been a busy year for public schools in the courthouse, both in Washington and in the Bay State.

Based on the decision of a Worcester County Superior Court judge, the presiding officer of the Southborough Select Board was within his rights to bring order about when he adjourned a meeting as the only way to stop a disruptive speaker from persisting with directed personal insults to the chair. The court ruled that a board that has carefully tailored its public comment protocols, respecting the rights of speakers to disagree and dissent, has the right to control disruptive behaviors as long as the protocols are applied without regard to the content of the comments or the viewpoint of the speaker.



The case came more than a year after a Middlesex Superior Court judge found that a school committee had violated the rights of a person intending to speak when the chair refused to allow the individual to have the microphone.

An appeal of the Southborough case will be heard later this year. Observers hope that the SJC will provide clear guidance on protocols and policies for public comment periods given the proliferation of COVID-era speakers addressing masking, or others dealing with controversial matters like critical race theory during school committee meetings.

The US Supreme Court rendered several decisions that will have a direct, and in some cases, indirect impact on public schools. In a case involving the Houston Communi-

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Is Your Policy Manual on Your Summer Reading List?

While no one is suggesting that school committee members substitute work reading for beach reading while on vacation this summer, nevertheless, the less-pressured days of July and August might be a good time for the committee to begin a review of the district's policy manual—especially if it's been a while since it got an airing. Reviewing the manual gives the committee a chance to ensure that policies are current, clear, and relevant and reflect the needs and goals of the district. In the process, the committee may find policies that need to be revised to ensure more effective operation.

Reviewing your manual also en-



ables accountability to stakeholders, builds trust among the committee, staff, students, parents and community; provides an opportunity for ongoing board improvement, especially during transition of members and enables the board to better fulfill its governance responsibilities.

If the Committee decides a review is in order, MASC will work with you through the process. Your field director can help you, section by section, determine if your policies are in order or need to be revised to reflect current practice, legal or regulatory changes, or to clarify expectations. For more information about a policy manual review, call the MASC office to discuss the process and a schedule.

And if your summer plans are already set, keep in mind that policy reviews can be scheduled to begin at any time that works for your committee.

new guidance

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and exclusionary disciplinary action at school. "The guidance we're releasing today will help ensure that students with disabilities are treated fairly and have access to supports and services to meet their needs - including their disability-based behavior. We also expect that districts utilize the federal American Rescue Plan dollars to build capacity, provide professional learning opportunities for educators and school leaders, and hire additional staff. These resources will also help schools live up to their legal obligations, support an equitable recovery for all our students, and make sure that students with disabilities get the behavioral supports and special education services they need to thrive."

The new resources reflect the

concern, particularly in light of the prevalence of student mental health issues associated with the pandemic, that some students with disabilities are not receiving the supports and services necessary to address their educational needs, including their disability-based behavior. Cardona noted that exclusionary discipline such as out-of-school suspensions can exacerbate mental health challenges, increasing stress that leads to a greater sense of social isolation and diminished academic achievement.

The new guidance does not rewrite laws or regulations. Instead it suggests alternatives to many current practices that fail to acknowledge these students' needs and may therefore be discriminatory. The guidance makes clear that schools do not need to choose between complying with Section 504

of the Rehabilitation Act of 1973 (Section 504) and the Individuals with Disabilities Education Act and keeping their school community - including students and staff - safe. Links to the full report, including the specific guidance and resources can be accessed at: <https://www.ed.gov/news/press-releases/new-guidance-helps-schools-support-students-disabilities-and-avoid-discriminatory-use-discipline>

Mileage reimbursement increased

NOTE: In recognition of recent gasoline price increases, as of July 1, the IRS has increased the standard mileage reimbursement rate to 62.5 cents for the remaining six months of the year.

Annual Joint Conference Update

A record number of members have signed up for the early bird conference registration discount, and the office has received so many last minute requests, that we are extending that discounted registration deadline to August 26th.

Consider the opportunities the conference brings you:

Learn: More than 90 sessions (panels, partner presentations, and keynote and featured events). These will include important information on school culture and climate; federal and state funding; avoiding fiscal cliffs; guidance for effective leadership; legal and HR challenges; increasing diversity in recruitment and retention; mental health supports for students and staff; wraparound services; and updates on vocational technical school issues; regional school district challenges; and new special education guidance, among other topics.



Network: Join colleagues from across the state and exchange ideas and strategies at the popular "Networking Lunch" on Thursday and the receptions on Wednesday, Thursday and Friday.

Advocacy: Represent your district's advocacy positions at the Annual Delegate Assembly at 3:00pm on Wednesday, November 2. This is your opportunity to elect Association leaders and set MASC legislative priorities.

Explore member services: Learn about MASC services available to your district. MASC staff will be available at the Services Booth in the Exhibit Hall. Will your district

be undertaking an administrator search? Looking to update your policy manual? Bringing newly elected members up to speed? Preparing for a long-range strategic planning session? MASC staff will be there to answer your questions and meet with you back in the district.

Exhibit Hall: Back again in a re-constituted format after the COVID hiatus, exhibitors will showcase new, state-of-the-art education-related products and services and host a Wednesday evening welcome reception for all.

Legal Updates: Members of MASC's Council of School Attorneys will present important updates following recent Supreme Court and MA SJC decisions, including implications of rulings around restrictions on free speech, free exercise of religion, and state funding to religious schools.

Register now to attend at reduced early-bird rate: www.masc.org
November 2-5, 2022
Resort and Conference Center, Hyannis

from the courthouse

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ty College System, the court permitted the censure of a member of its board, noting that the act was a public rebuke but not something that abridged the ability of the person targeted to serve, to participate in the meetings, or to vote. While the decision was limited in its scope, it will be instructive to school committee members in Massachusetts as they try to deal with members whose behavior could offend public standards. Massachusetts school committees have, from time to time, censured members without restricting their right to hold office.

In a widely reported case involving religious freedom, *Kennedy vs. Bremerton School District*, the court found in favor of a Texas coach who called for a prayer on the field after

the conclusion of a football game. Members of the team were invited, but not required, to join. The coach was terminated but reinstated by the court's decision. In its ruling, the court cited the prayer as the free exercise of religion and within constitutional grounds. The decision also leaves open and unanswered many other questions about religious rights in other circumstances.

In *New York Rifle and Pistol Association vs. Bruen*, the court invoked the Second Amendment right of persons to carry a weapon for self-defense purposes, putting in jeopardy the rights of local authorities to set standards for licensure of handguns. In Massachusetts local police chiefs must approve of the granting of a permit for a handgun, but the court's decision weakens that provision and may make it easier for individuals to obtain weapons.

According to court analysts, districts can still ban guns in schools, and weapons may be restricted in appropriate cases. Massachusetts has been fortunate in having safe schools that have been free of gun violence.

In a Maine case, *Carson vs. Makin*, the courts overturned exclusions prohibiting state funds to religious schools in those cases where other non-public schools might be eligible. Examples included districts with no operating public schools and where students are tuitioned out to private institutions. Again, there are few, if any, instances where such a suit might take place against a Massachusetts school, but the precedent of allowing public funds to be provided to religious schools could have implications here if private charter schools were to be established and should the court expand its reach in later cases.

MA Legislature Extends Remote Meeting Bill

School committees and other public bodies may continue to hold remote meetings through March 31, 2023 under new legislation enacted earlier this month. The statute also extends quorum restrictions for town meetings and remote meetings of representative town meetings.

The prior authorization for remote-only public meetings was set to expire on July 15, 2022.

Under the amended Open Meeting Law, a quorum of a school committee may meet remotely without the chair or any other member being physically present in a meeting location. In addition,

a school committee member may continue to hold “hybrid” meetings, where the committee meets in person and the public attends only through remote means so long as the public has “adequate, alternative means of public access” that provide “transparency and permit timely and effective public access to the deliberations of the public body, including, but not limited to, providing public access through telephone, internet, satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body.”

Individuals required to appear and present before a school committee remotely must be given the same level of remote access as committee members. In addition to allowing for continued remote public access to public meetings, Chapter 107 of the Acts of 2022 also: authorizes the reduction of the quorum at any town meeting through March 31, 2023; and, allows representative town meetings to meet by remote participation through March 31, 2023.

The statute takes effect immediately. *Information in this article is drawn from a legal update provided by the law firm of Mirick O’Connell.*

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offset the diversion of Chapter 70 funds from districts that lose students to charter schools. Charter schools are funded with a direct average per-pupil cost of the sending districts even if it exceeds the foundation budget.

- A new appropriation of \$15 million will support the state Teacher Diversity Initiative. MASC has been among the proponents of efforts by the state to recruit, mentor and support candidates representing diverse constituencies to key administrative positions, including the superintendency.
- A special Rural School Aid program

will have \$5.5 million to offset the special costs of the state’s smallest districts. This is a 30% increase over the previous year.

- McKinney Vento mandated support for mobile and transient students is budgeted at \$22,981,479, an increase of 50% over the previous year. It supports the additional costs of serving students who are economically at risk and are forced to relocate or who migrate among districts, including homeless students and children of families who move in order to find work.
- The FY 2023 budget also includes \$115.02 million in new funding to expand breakfast to eligible students, which represents a major commitment toward universal no-cost meals across the Commonwealth.

In addition to the budget, the Lt. Governor, acting for Governor Baker who was out of state, signed a bill to extend several items. Most important to our members is the portion of the law that extends the remote meetings and public access provisions of the Open Meeting Law broadened during the pandemic to March 31, 2023. This will permit meetings to be conducted remotely without members having to be present. It also requires that the local elected boards provide the public with access to the meetings such as through a cablecast, or remote medium. Most districts are using such media, including Zoom and Google Meet.

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