

MASC Bulletin

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MASSACHUSETTS ASSOCIATION OF SCHOOL COMMITTEES

Joint Conference Update

State Legislators, Middlesex DA and Post-Election Post Mortem on the Agenda

WITH THE NEW SCHOOL YEAR WELL underway and school leaders nervously confronting the challenges posed by new requirements around educator evaluation; nutrition standards; and emergency response plans as well as the looming federal sequester cuts, MASC and MASS are finalizing the upcoming Joint Conference program that will feature more than 60 panel sessions, keynotes and workshops targeted to help members address these and other issues of concern.

The extensive program, which begins on Wednesday, November 7 at noon, features special strands focused on fiscal and cost-savings issues, as well as a look at how collaboratives can help your dis-

trict remain cost-effective and competitive. Other highlights on the agenda are recent legislative and regulatory changes, including the impact of health insurance reforms on collective bargaining, the new educator and administrator evaluations, the educational collaborative law, as well as many other sessions that will explore governance for student achievement plus a featured session on Thursday morning on keeping students safe that will be led by Middlesex County District Attorney **Gerard Leone**.

In addition to the full line-up of panels

(check your mailbox for the recently mailed conference flyer or on the web at www.masc.org for a complete listing), the ever-popular Exhibit Hall will open on Wednesday afternoon with a record number of vendors. Wednesday evening will feature the Keynote Dinner followed by an informal discussion with Commissioner **Mitchell Chester**, Deputy Commissioner

Alan Ingram, MASS President **Paul Dakin** and MASC President **Penny Blackwell**. In addition, on Wednesday night, the Department of Public Health will present their annual School Wellness awards to the schools that

are being honored for their efforts to develop exceptional policies and programs in the various areas of health education.

Following the featured panel with

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Gerard Leone (left) and Jim Braude



MASC Legislator of the Year Awards Announced

AT ITS SEPTEMBER MEETING, THE MASC Board of Directors unanimously voted to present its 2012 Legislator of the Year awards to **Senator Sonia Chang-Diaz** and **Representative Alice Peisch**, praising these Joint Committee on Education Co-Chairs for their support of MASC initiatives and particularly for their work on the amended Collaborative bill, their advocacy on education-related line items, and their efforts to ensure a continued strong role for school committees in education oversight.

The first Latina elected to the

Massachusetts State Senate, Sonia Chang-Diaz is currently serving her second term on behalf of the Second Suffolk District which comprises many of Boston's neighborhoods.

A tenacious champion for her constituents, Senator Chang-Diaz is widely recognized as a strong advocate for public education, CORI reform, access and opportunities for low-income and immigrant communities, and for

those affected by foreclosures, hate crimes, and youth violence. She has also been a strong voice for sound

fiscal reform and good stewardship of taxpayer dollars.

In addition to serving as the Senate Chair of the Joint Committee on Education, the Senator also serves as Vice Chair of the Senate Redistricting Committee. She also serves as a member of the Joint Committees on Children, Families & Persons with Disabilities; Municipalities and Regional Government; and the Senate Committee on Bonding, Capital Expenditures & State Assets.

Prior to running for public office, the Senator served as a public school teacher in the Lynn and Boston school systems and also worked as a

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Senator Sonia Chang-Diaz (L) and Representative Alice Peisch (R)



National News

Sequestration and School Bonds

The National School Boards Association has learned that the federal sequester, which is slated to become effective January 2, 2013, could impact certain school bond programs. Unless Congress intervenes to rescind sequestration, these across-the-board budget cuts could affect school operating budgets with cuts of 8.2 percent or more to federal grant programs, as well as cuts to capital improvement budgets because of a reduction in federal subsidy payments that school districts (bond issuers) receive under certain direct-pay, tax credit bond programs - namely Qualified School Construction Bonds

(QSCBs), Build America Bonds (BABs) and Qualified Zone Academy Bonds (QZABs).

NSBA has contacted the U.S. DOE and the U.S. Treasury Department to address this concern.

Under the economic stimulus, these bond programs were designed to help provide a significant cost savings to school districts for capital improvement. School districts had the option of issuing QSCBs as Build America Bonds, and receiving a direct federal payment from the U.S. Treasury Department that would be equal to a portion of the interest costs or the federal tax credit that would otherwise be provided for these bonds. For example, BABs are taxable bonds for which the federal government makes payments to issuers equal to 35 percent of their interest costs.

Nationwide, about \$255 million in subsidy payments would be cut for BABs, along with \$62 million in payment cuts for qualified school construction bonds and \$3 million in payment cuts for qualified zone academy bonds, according to the White House Office of Management and Budget. These cuts would equate to an estimated 7.6 percent reduction in payments to bond issuers in 2013.

If your school district issued direct-pay bonds under any of these programs, you should consult your bond counsel regarding the effect of sequestration on the subsidy payments. Also, districts are encouraged to contact NSBA about the potential effect that the sequester could have on their local bond programs. You can do so by emailing Kathleen Branch at kbranch@nsba.org.

Appointees to Collaborative Boards of Directors sought

The Department of Elementary and Secondary Education, in order to fulfill the requirements of the amendment to the statute authorizing educational collaboratives (MGL c. 40, s.4E) is seeking qualified, dedicated individuals to serve on the boards of educational collaboratives throughout the State.

This new legislation, enacted in the Acts of 2012, provides for sweeping changes in the operation and accountability of the state's education collaboratives, strengthening state oversight, financial accountability, and governance for these collaboratives. It also addresses serious problems and gaps that were identified by the Office of the State Auditor and the Inspector General. The new law also requires that the Commissioner of Elementary and Secondary Education appoint an individual to serve as a voting member of each education collaborative board of directors.

In a memo to MASC, DESE indicated that the Commissioner is looking to a wide range of constituents with diverse expertise who have a demonstrated interest in and commitment to excellence in public education, including current and retired educators, representatives of business and labor including professionals with legal, finance and/or management expertise. These individu-

als must have expertise in one or more of the following areas: educational programming and services, finance, budgeting and management oversight.

Individuals selected will:

- Be appointed for one year terms;
- Have an interest in public education and educational collaboratives
- Participate in trainings in the areas of open meeting laws, public records law, conflict of interest law, special education law, the budgetary process and the fiduciary and management oversight responsibilities of board members;
- Have several years of relevant experience in one of the identified areas (educational programming and services, finance, budgeting and management oversight); and
- Have the ability to travel to and

attend at least six board meetings a year, in addition to reporting to the Commissioner on an as-needed basis throughout the year.

If you think your experience and professional expertise might be valuable as part of a collaborative board of directors, please submit a brief letter of interest along with a resume and a brief Application of Interest Form (posted on the MASC website homepage) to Commissioner Mitchell D. Chester at DESE, 75 Pleasant St., Malden MA 02148 (attention: Collaborative Boards). Email submissions can be sent to rhersh@doe.mass.edu or faxed to: 781-338-6530.

Applications of interest are due by November 12, 2012.

AWARDS

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Senior Legislative Aide to former State Senator Cheryl Jacques.

Representative Alice Peisch has represented Wellesley, Weston and Natick since 2003. She currently serves as Co-Chair of the Joint Committee on Education, having previously served as Vice Chair of the Revenue Committee and the House Chair of the Metrowest

Caucus. Representative Peisch has also previously served as a member of the Judiciary Committee (six years); and the Election Laws, Housing, Higher Education and Education Committees (two years on each).

Prior to her election to the Legislature, Representative Peisch served Wellesley as Town Clerk, and sat on the School Committee and Advisory Committee, both of which she chaired.

MASC/MASS JOINT CONFERENCE

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Middlesex County DA Leone on Thursday morning, the General Session will address the election results from Tuesday's national election. Moderated by radio/tv host **Jim Braude**, the commentators will be Commonwealth magazine editor **Michael Jonas**, political advisor/freelance columnist **Jennifer Bracer** and President Emeritus of the MA AFL-CIO **Robert Haynes**. In addition to the morning round of panels, attendees will have plenty of time to again visit the Exhibit Hall, meet the exhibitors at the post-lunch "Dessert Social" and maybe even win one of the many prizes offered in the Exhibitors Bingo game. The evening program will feature MASC's Awards Banquet honoring members of the 2012 All-State School Committee and Lifetime Achievement Award recipients.

On Friday, panel sessions will continue followed by the second General Session,

at which Keynote Speaker, Harvard School of Education Professor and author **Meira Levinson** will discuss engaging and empowering students, parents and the community as a means of encouraging civic participation and raising overall student achievement. The conference health



Lauren Smith (left) and Meira Levinson



and wellness track, sponsored by the New England Dairy and Food Council will continue with a featured session on the nutrition regulations and conclude with the lunch program at which **Dr. Lauren Smith**, Medical Director for the Department of Public Health will discuss student health initiatives.

Following lunch, members are invited to attend their Division meetings, which will be followed by additional workshops and the Annual Delegate Assembly at which time officers for the 2013 year will be elected and resolutions relative to a commission to study mandated reports; the circuit breaker formula; health insurance coverage for medically necessary

treatment in school; funding for education evaluations; and a proposed adequacy study will be considered. These resolutions, sponsored by member districts, will form the basis of the Association's 2013 advocacy efforts. (The full text of the resolutions are printed in the *Delegate Manual* which has been sent to all members and the resolutions are also posted on the MASC website: www.masc.org) Districts are urged to designate a representative to attend the Delegate Assembly and we hope that because of the Friday scheduling of the event, more members will be able to participate.

Friday evening will once again celebrate the best in school leadership including the introduction of MASC's 2013 Board of Directors and newly elected Life Members.

Obviously, something for everyone! If you haven't already registered, you can do so online at www.masc.org or call (800)392-6023. And if you have registered—congratulations—and we look forward to seeing you in Hyannis.

Late registrants: Walk-in registration at the conference is an option.

LEGAL NOTES

The following legal update is supplied by the attorneys in the labor and employment law department of the law firm Deutsch Williams (www.dwboston.com)

Massachusetts Gender Identity Law

A new MA law, An Act Relative to Gender Identity, went into effect on July 1, 2012. The law establishes gender identity as a protected characteristic, making it an unlawful practice to discriminate on the basis of a person's gender identity. The statute prohibits discrimination in the areas of employment, public education, housing and credit or lending.

The Act defines gender identity as "a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth." No person must prove a particular gender identity to be protected under the law, but some demonstration of a sin-

cerely held gender identity is required. A person can demonstrate his or her gender identity through medical history, care or treatment, a "consistent and uniform assertion" of that identity, or another means by which the identity is shown to be sincerely held.

MA anti-discrimination law, MGL, c.151B, applies to employers with six or more employees, as well as to employment agencies and labor organizations. Employers should review their employee handbooks as well as their equal employment opportunity policy statements for compliance with the law.

Ethics Commission Exemption for "Class Gifts" to Teachers

Under MGL c.268A, public school teachers (and other public employees) are generally prohibited from accepting gifts valued at fifty dollars or more, unless that gift falls within certain exemptions. The State Ethics Commission recently created a new exemption for "class gifts" whereby a public school teacher may accept a

class gift up to one hundred fifty dollars in value if a group of students and/or parents wish to pool their contributions toward a gift.

A class gift removes the possible conflict of interest inherent in gifts as the teacher will have no knowledge of the individual amounts contributed or by whom. For this reason, it is not necessary for the teacher to disclose a class gift to the appointing authority as would be required by the Code of Massachusetts Regulations for many gifts from individual students/parents. In addition to a class gift, the teacher may also accept a gift from an individual student or parent who did not contribute to the class gift; however, the teacher may need to disclose the individual gift. No gift—of ANY value—may be accepted in exchange for a showing of favoritism toward a particular student.

School committee may wish to communicate this new exemption to parents, in addition to making sure teachers themselves are aware of the state law governing conflicts of interest.

MASC Lifetime Achievement and All-State School Committee Honorees Named

On Thursday, November 8 at the featured Awards Banquet during the Joint Conference in Hyannis, the recipients of MASC's 2012 Lifetime Achievement and All-State School Committee awards will be honored. The awards will be presented to the following MASC members. Incoming Life Members will be honored at the Friday night banquet.

LIFETIME ACHIEVEMENT

Pauline Aucoin, Dudley-Charlton

Burton Buckman, Tyngsborough

Jay Carberry, Lenox

Barbara Davis, Holbrook

Daniel Elias, Pittsfield

Alfred Fantini, Cambridge

Karl Hetzler, Greater Fall River Reg. Voc. Tech.

Catherine Kabala, Dudley-Charlton

Suzanne Littlefield, Wellesley

Roberta Newman, Athol-Royalston

Robert Vogler, Methuen

ALL-STATE SCHOOL COMMITTEE

Division I

Kristen Polimeno, Tewksbury

Division II

David Margil, Natick

Division III

Margie Burgess, Plymouth

Division IV

The Leominster School Committee

Division V

Michael Moriarty, Holyoke

Division VI

Mayor Richard Alcombright, North Adams

Division VII

James Dykeman, Dennis-Yarmouth

Division VIII

Raymond Andrews, Old Colony Reg. Voc. Tech.

Division IX

Mayor Joseph Curtatone, Somerville

LIFE MEMBERS

Herbert Abelow, Southern Berkshire Regional

Karl Lord, Tri-County Reg. Voc. Tech.

MASC seeks your input

In response to some of our member requests for options on containing fuel costs, MASC is considering issuing an RFP for a preferred energy provider. Other state school board associations have taken advantage of low energy prices to generate substantial savings for their member school districts.

A preferred provider would enter into a contract with a school district voluntarily participating in our potential program. The Rhode Island Association of School Committees (RIASC), with whom we collaborate on several fronts, created a similar program several years ago and it has resulted in substantial savings for school districts as well as generating revenue for RIASC. MASC is currently exploring whether their experience can be instructive to MASC.

In order for us to proceed we need you to have either your facilities manager or your business official answer the linked survey. <https://www.surveymonkey.com/s/3PVPWDQ>

If there is sufficient interest, MASC will take the initiative to move on this potential source of savings for school districts in Massachusetts.

Massachusetts Association of School Committees

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