



Massachusetts Association of School Committees, Inc.

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Mary Jo Rossetti, President
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May 17, 2013

Hon. Henrietta Davis
Mayor
City Hall
795 Massachusetts Avenue
Cambridge, MA 02140

Mayor Davis:

You have asked the Massachusetts Association of School Committees for guidance on the authority of the municipal appropriating authority, the City Council, over management of the schools and the administrative of the budget.

This question is posed to me frequently as many city councils, town councils and select boards and town meetings often take interest in school district affairs. Within the law, however, this interest is generally limited to raising questions, engaging in discussions, and giving final approval to a final appropriation for the school district as recommended by the School Committee. In some cases, the municipal charter can provide additional guidance, especially regarding oversight of public facilities that are used by both the schools and community, including athletic fields.

With specific attention to your question, I refer you to MGL Chapter 71, Section 34 which is most instructive. The underlining highlights are mine.

“Every city and town shall annually provide an amount of money sufficient for the support of the public schools as required by this chapter, provided however, that no city or town shall be required to provide more money for the support of the public schools than is appropriated by vote of the legislative body of the city or town. In acting on appropriations for educational costs, the city or town appropriating body shall vote on the total amount of the appropriations requested and shall not allocate appropriations among accounts or place any restriction on such appropriations.”

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“The superintendent of schools in any city or town may address the local appropriating authority prior to any action on the school budget as recommended by the school committee notwithstanding his place of residence. The city or town appropriating body may make nonbinding monetary recommendations to increase or decrease certain items allocating such appropriations.

The vote of the legislative body of a city or town shall establish the total appropriation for the support of the public schools, but may not limit the authority of the school committee to determine expenditures within the total appropriation.”

First, the City Council may act upon the budget request of the School Committee and, in fact, reduce it, provided it does not lower the appropriation below the level of approved “net school spending.” New School Spending is a technical term to ensure that a base level of funding is ensured.

Second, the City Council may make recommendations about how the funding is to be allocated or spent, but these are non-binding and are hortatory in nature.

Third, the City Council may not limit the authority or the ability of the school committee to define its budget other than to approve the appropriated figure.

Being a publicly elected body, the City Council is free to debate and discuss whatever it wants. Thus, the City Council could hold public discussions on matters over which it has limited, restricted, or no authority at all. State law establishes the municipal government of most cities with a chief executive (City Manager or Mayor) and legislatures, usually comprised of at least two bodies, one for public education (School Committee) and the other for other municipal policymaking responsibilities with other powers as is set in the charter and with the responsibility to act as the municipal appropriating authority with the ability to approve (and, within limits, reduce) the budget proposed by the School Committee. Of course, there are other municipal functions that involve the public schools that require action by the City Council or City Manager, but they do not address the specific management, oversight and discrete policy making of the public schools.

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Throughout the state, School Committees engage their city councils, select boards, town councils and town meetings. Frequently the discussions represent intrusions into those areas under the authority of the superintendent of schools or School Committee. Examples we have addressed here at MASC include matters of personnel management (i.e., terminations, reassignments, employment decisions), creation or elimination of academic programs (i.e., curriculum changes, sports, or extracurricular activities), and even policymaking. While these intrusions may be technically inappropriate, they are not necessarily violations of law. Our members often tread a cautious path in order to provide information or receive advice from those who do not have the authority to substitute their judgment from that of the School Committee but who, as members of the community, want to have a say.

Please let me know if I can be of further assistance.

Yours truly,

A handwritten signature in blue ink, appearing to read "Glenn S. Koocher".

Glenn S. Koocher
Executive Director