



# Massachusetts Department of Elementary and Secondary Education

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## **GUIDELINES FOR FORMING AN EDUCATIONAL COLLABORATIVE**

Massachusetts General Law Chapter 40, § 4E permits two or more school committees and/or charter school boards to enter into a written **collaborative agreement** to provide shared programs and services, including instructional, administrative, facility, community or any other services, as long as a primary purpose of these shared programs and services is to complement the educational programs of member school committees and charter school boards in a cost-effective manner. The association created by this agreement is known as an **education collaborative (collaborative)**.

Under the provisions of the above-referenced law ([M.G.L. c. 40, § 4E](#)) and implementing regulations ([603 CMR 50.00](#)), a collaborative agreement cannot take effect until it is approved by the member school committee and charter school boards and by the Commissioner of Elementary and Secondary Education (Commissioner).<sup>1</sup> A proposed collaborative agreement must be submitted to the Department of Elementary and Secondary Education (Department or ESE) for approval, consistent with collaborative regulations and these Guidelines.<sup>2</sup> These Guidelines provide local officials with an overview of the necessary steps for establishing a collaborative under the requirements of the collaborative law and regulations. Additional resources on collaboratives are located on the Department's Educational Collaboratives [website](#), and listed below. Local officials are also encouraged to consult with legal counsel concerning other legal requirements related to establishing a collaborative.

### ***Step 1: Notice of Intent to the Office of Regional Governance***

Local officials must contact the Department's Office of Regional Governance (also referred to as ORG) in writing as soon as feasible concerning their intent to form a collaborative. The Notice of Intent must include the names of the interested school committees and/or charter school boards, the anticipated purpose of the proposed collaborative, and the name, address, phone number and e-mail address of an individual designated as the local contact for correspondence and coordination with ORG.

### ***Step 2: Consultation Meeting(s) with the Office of Regional Governance***

Consultation meeting(s) between the Office of Regional Governance and local officials are required. During consultation, ORG and local officials will discuss the contents of the Notice of Intent as well as other matters related to the proposed collaborative, including the following topics:

- The reason(s) for interest in establishing a collaborative;
- The proposed purpose of the new collaborative;

<sup>1</sup> Though the collaborative law grants the Board of Elementary and Secondary Education (the Board) the authority to approve agreements and amendments to agreements, the Board has delegated this authority to the Commissioner.

<sup>2</sup> See 603 CMR 50.03(1).

- The need for the proposed collaborative, including, for example, the results of work with consultants, community meetings, surveys, or other steps taken in order to identify and/or justify the need for the proposed collaborative;
- Interest by school committees and/or charter school boards in forming a collaborative to meet the stated purpose;
- The proposed programs and services to be offered by the new collaborative, and explanation of how these will complement and/or strengthen the programs and/or services of the interested school committees and/or charter school boards;
- Activities undertaken to explore whether other options exist to accommodate the proposed purpose of the collaborative, including outreach to and communication with existing area collaboratives or districts to determine whether capacity already exists to serve the purpose of the proposed collaborative;
- The proposed administrative and financial structure of the new collaborative;
- The proposed staffing plan for the new collaborative; and
- The planned location(s) of the programs and services to be offered by the new collaborative, including whether any of the proposed collaborative's programs will be located within existing public school buildings.

The Office of Regional Governance will provide technical assistance to local officials concerning the legal and regulatory requirements governing the formation of a collaborative, as well as alternatives to forming a collaborative. As may be necessary, local officials will be placed in contact with ESE units that oversee particular programs related to the proposed collaborative or the identified need (e.g., career, vocational, technical education services; special education; professional development; District and School Assistance Centers; etc.) Should the proposal to establish a collaborative go forward after the consultation meeting, ORG will provide ongoing technical assistance to local officials in completing the next steps in the process of forming the collaborative.

***Step 3: Development of Draft Collaborative Agreement***

If, after the consultation meeting, consensus is reached to establish a collaborative, local officials may begin drafting a collaborative agreement (agreement) to reflect their intent and to address the required components of the collaborative law and regulations. Required content of the agreement includes the following, as detailed in 603 CMR 50.03(5)(b):

- The mission, purpose, objectives and focus of the collaborative;
- The programs or services to be offered by the collaborative;
- The powers and duties of the collaborative board of directors to operate and manage the collaborative;
- The governance structure of the collaborative;
- The conditions of membership of the collaborative;
- The financial terms for member districts and non-member districts, including any non-member district surcharges or fees;
- The detailed procedure for the preparation and adoption of an annual budget, tuition rates, membership dues and fees-for-service;
- Timeline and process for amending:
  - The budget;
  - Tuition rates;
  - Membership dues; and
  - Fees-for-service.
- The method and timeline for notification and payment of:

- Tuition;
- Membership dues; and
- Fees-for-service.
- A limit, not to exceed 25 percent, on the amount of cumulative surplus that may be held by the collaborative at the end of a fiscal year;
- How and under what conditions surplus funds may be returned to member districts or credited to support collaborative programs and services offered to member districts and how such funds will be allocated to such member district(s) upon the withdrawal of a member district or the termination of the collaborative;
- A procedure for the review and approval of any borrowing, loans, mortgages or acquisition of real property;
- The method of termination of the collaborative;
- The procedure for apportioning assets and liabilities upon the termination of the collaborative or the withdrawal of a member district;
- The procedure for the admission or withdrawal of member district; and
- The procedure for amending the collaborative agreement.

The Office of Regional Governance has developed a model agreement and accompanying collaborative agreement checklist to assist local officials in meeting these and other requirements of the collaborative law and regulations. Local officials should also consult with their legal counsel throughout the drafting process, to ensure that the collaborative agreement meets their needs and meets the provisions of all applicable laws and regulations.

***Step 4: Submission of Draft Collaborative Agreement to Office of Regional Governance***

The designated local contact must submit the draft agreement to the Office of Regional Governance for initial review and feedback prior to seeking school committee and charter school board approval. The draft agreement must be submitted in electronic format, in Microsoft Word, to [Collaboratives@doe.mass.edu](mailto:Collaboratives@doe.mass.edu).

ORG review of the draft agreement will ensure that the agreement complies with M.G.L. c. 40, § 4E, 603 CMR 50.00, and ESE guidance related to collaboratives prior to submission for school committee and/or charter school board approval. This early review is intended to help avoid unnecessary steps that may ensue should school committees and/or charter school boards approve an agreement that does not meet all provisions of the collaborative law, regulations and ESE guidance governing collaboratives.

Throughout the review process, ORG may request or recommend that changes be made to comply with the above-referenced law, regulations and guidance, and that a revised draft agreement be resubmitted to ORG for further review. ORG will communicate with the designated local contact(s) concerning all feedback and all requests or recommendations for changes as well as any questions. As needed, a meeting(s) will be scheduled to discuss questions and/or requested or recommended changes.

When all changes required by ORG have been made to the draft agreement, ORG will notify the designated local contact(s) that the final agreement is in a form that may be submitted to the school committees and/or charter school boards for approval.

***Step 5: Local Approval of Proposed Collaborative Agreement***

Following notification to the local contact that the agreement may be forwarded for approval by prospective member school committees and/or charter school boards, those entities must be provided a copy of the proposed agreement. Those entities must then vote to approve (or disapprove) the

proposed agreement, consistent with their own by-laws. Note that the law requires that school committees and charter school boards shall not delegate the approval of an agreement to any other person or entity.

***Step 6: Final Submission to the Department, via the Office of Regional Governance***

Once the agreement has been approved by the prospective member school committees and/or charter school boards, the agreement must be submitted to the Department for approval by the Commissioner. Two hard copies of the agreement, signed by the chair of each prospective member school committee and/or charter school board must be submitted along with the following supplemental documentation, when available:

- Meeting minutes, reflecting the affirmative votes of each school committee and/or charter school board to approve the agreement and establish the collaborative;
- An organizational chart with the proposed administrative structure of the collaborative;
- The names and positions of appointed representatives to the collaborative board of directors from each prospective member school committee and/or charter school board;
- The proposed collaborative by-laws, if applicable;
- A detailed description of proposed programs and services for the current year;
- The planned location(s) of the collaborative program(s); and
- Any other information as required by the Commissioner or Board to clarify the intent or purpose of the collaborative.

The above documentation must be submitted to:

Office of Regional Governance  
Department of Elementary and Secondary Education  
75 Pleasant Street  
Malden, MA 02148

***Step 7: Action by the Commissioner***

The Commissioner shall approve or disapprove the final agreement, consistent with M.G.L. c. 40, § 4E and 603 CMR 50.00.

***Step 8: Return of Approved Collaborative Agreement and Effective Date of Agreement***

If the Commissioner approves the agreement, a letter from the Commissioner and a signed copy of the approved agreement will be sent to the designated local contact. After an agreement is approved by the Commissioner, each school committee and/or charter school board becomes a **member district** of the collaborative. Copies of the Commissioner’s approval letter will also be sent to the chairs of these member districts.

If the Commissioner disapproves the agreement, the Department will notify the designated local contact and the chairs of the school committees and/or charter school boards of the reason(s) for the disapproval and the next steps.

Note that no new collaborative may operate until the agreement is approved by all of the school committees and/or charter school boards and the Commissioner. A new agreement shall be effective on July 1 of a fiscal year only if all requisite approvals, including the Commissioner's approval, are obtained no later than the preceding April 30.

**Step 9: Provide Approved Collaborative Agreement to Member Districts**

The designated local contact must ensure that copies of the signed, approved agreement are provided to the chairs of all member districts. The agreement must also be posted on the collaborative’s website, when the website becomes available.

**Step 10: Getting Started**

Upon approval of the agreement, each member district shall appoint either the superintendent of schools or a member of the school committee or charter school board to serve as its appointed representative on the collaborative board of directors (board or collaborative board). These appointed representatives are required to take online training for collaborative board members within sixty days of appointment. The Office of Regional Governance will provide information to each appointed representative on how to access the required training. See 603 CMR 50.05.

Member districts, appointed representatives and the collaborative board itself are responsible for meeting numerous legal and regulatory requirements. The Office of Regional Governance has created specific [guidance](#) concerning many of these requirements. Guidance from other Department units concerning matters such as data reporting, special education, and discipline is also available on the Department’s [website](#).

An educational collaborative is authorized by the collaborative agreement to operate as an extension of the programs and services of the member districts. Accordingly, member districts’ oversight of the collaborative, through their appointed representatives to its governing collaborative board, is important throughout a collaborative’s operation. Member districts, appointed representatives, and collaborative boards should consult with legal counsel relative to the procedures necessary to initiate the collaborative as well as on an on-going basis to ensure that all collaborative operations meet applicable law, regulations and guidance.

**Resources**

For further information, please consult the following resources and/or contact the Office of Regional Governance at 781-338-6526 or at [collaboratives@doe.mass.edu](mailto:collaboratives@doe.mass.edu):

[Model Collaborative Agreement](#)

[Checklist of Required Components of the Collaborative Agreement](#)

[Authorizing Law](#): Education Collaboratives

[Regulations](#): Educational Collaboratives