

Model Collaborative Agreement Checklist and Guidance

Please use the following checklist to guide the creation or revision of your collaborative agreement.

Required components of the collaborative agreement	Related law/regulation(s)	Indicate Section of Agreement	✓
1. Indicate the name of collaborative.	model agreement		
2. Cite the authorizing law and clearly acknowledge that no agreement or subsequent amendments shall take effect unless and until approved by the member school committees, member charter school boards, and by the Board of Elementary and Secondary Education upon the recommendation of the Commissioner.	M.G.L. c. 40, § 4E(c).		
3. The agreement should be dated. It should be noted if an agreement is replacing/amending a prior agreement.	model agreement		
4. The agreement must indicate that the collaborative has been formed by two or more school committees of cities, towns, and regional school districts and boards of trustees of charter schools. (The agreement must list member school committees and charter school boards; this must correspond to the school districts and charter boards whose chairs have signed the agreement.)	M.G.L. c. 40, § 4E(b); 603 CMR 50.03(1).		
5. State the mission, purpose, objectives, and focus of the collaborative. <i>Note that 603 CMR 50.08(1)(c) requires that the annual report include “progress made toward achieving the objectives and purposes set forth in the collaborative agreement.”</i>	M.G.L. c. 40, § 4E(c)(1) and (e); 603 CMR 50.03(5)(b)1.		

Model Collaborative Agreement Checklist and Guidance – January 2013

6. Describe the programs and services to be offered by the collaborative.	M.G.L. c. 40, § 4E(c)(2); 603 CMR 50.03(5)(b)2.		
7. Describe the powers and duties of the collaborative board of directors to operate and manage the educational collaborative.	M.G.L. c. 40, § 4E(c)(7); 603 CMR 50.03(5)(b)3.		
8. Address the governance of the collaborative.	603 CMR 50.03(5)(b)4.		
9. Each member district shall annually appoint either a member of the school committee or charter school board or its superintendent of schools to be its appointed representative on the collaborative board of directors.	M.G.L. c. 40, § 4E(c); 603 CMR 50.04(1)(a). The annual appointment is required by law and regulation.		
10. Include the conditions of membership, which may include: <ul style="list-style-type: none"> • minimum attendance requirements, including consequences for failure to attend meetings; • consequences for failure of a member district to meet the terms of the collaborative agreement; • consequences for failure to attend training as required by 603 CMR 50.05(3) and 50.12(3); and/or • whether districts will be assessed membership dues. 	M.G.L. c. 40, § 4E(c)(3); 603 CMR 50.03(5)(b)5.		
11. Include the financial terms for member districts and non-member districts, including any non-member surcharge or fee.	M.G.L. c. 40, § 4E(c)(3); 603 CMR 50.03(5)(b)6.		
12. State that the collaborative board shall establish and manage an education collaborative fund. All monies paid by the member districts and non-member districts and all grants or gifts from the federal	M.G.L. c. 40, § 4E(c); 603 CMR 50.07(2). The establishment of the education collaborative fund is		

Model Collaborative Agreement Checklist and Guidance – January 2013

<p>government, state government, charitable foundations, private corporations, or any other source shall be paid to the collaborative board of directors and deposited in the fund. The treasurer of the collaborative, subject to the direction of the collaborative board of directors, shall receive and disburse all money belonging to the collaborative without further appropriation.</p>	<p>required by law and regulation.</p>		
<p>13. Outline the detailed procedure for the preparation and adoption of an annual budget, tuition rates, membership dues, and fees-for-service. Include a timeline for the treasurer to certify and transmit the budget, tuition rates, membership dues, and fees-for-service for the upcoming fiscal year to each member district.</p> <p><i>Note that the regulations contain additional requirements concerning the budget.</i></p>	<p>M.G.L. c. 40, § 4E(c)(4); 603 CMR 50.03(5)(b)7; 603 CMR 50.07(5)(a) and (6)(b).</p> <p><i>See, in particular, 603 CMR 50.07.</i></p>		
<p>14. State that the collaborative board shall approve, by at least a majority vote, the collaborative budget for the upcoming fiscal year, consistent with regulatory timelines.</p>	<p>603 CMR 50.07(6)(a).</p> <p>Certain aspects of creating the annual budget are required by law and regulation.</p>		
<p>15. Include a timeline and process for amending the budget, tuition rates, membership dues, and fees-for-service.</p> <p><i>Note that regulations require that amendments to increase the tuition rates, administrative dues or fees shall be approved by the board of directors and provided to the member districts in accordance with a timeframe and process outlined in the collaborative agreement.</i></p>	<p>603 CMR 50.03(5)(b)8.</p> <p><i>See 603 CMR 50.07(7).</i></p>		
<p>16. Include the method and timeline for notification and payment of tuition, membership dues and fees-for-service.</p>	<p>603 CMR 50.0 (5)(b)9.</p>		

Model Collaborative Agreement Checklist and Guidance – January 2013

<p>17. Include a limit, not to exceed 25 percent, on the amount of cumulative surplus that may be held by the collaborative at the end of the fiscal year.</p> <p><i>Note the regulations require that the collaborative board of directors shall annually approve, by majority vote, the dollar amount designated as cumulative surplus. The board of directors shall vote annually to retain the cumulative surplus funds for the collaborative’s use or return all, or some portion, of the funds to the member districts.</i></p>	<p>M.G.L. c. 40, § 4E(c)(3); 603 CMR 50.03(5)(b)10.</p> <p><i>See 603 CMR 50.07(9).</i></p>		
<p>18. Address 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.</p>	<p>603 CMR 50.03(5)(b)11; 603 CMR 50.07(9).</p>		
<p>19. Address how surplus funds will be allocated to member district(s) upon the withdrawal of a member district(s) or the termination of the collaborative.</p>	<p>603 CMR 50.03(5)(b)11; 603 CMR 50.07(9).</p>		
<p>20. Include a procedure for the review and approval of any borrowing, loans, mortgages or acquisition of real property.</p> <p><i>Note that the law and regulations require that the collaborative board ensure that any borrowing, loan, or mortgage is cost-effective, necessary to carry out the purposes for which the collaborative is established, in the best interests of the collaborative and its member districts, consistent with the terms of the collaborative agreement, and consistent with standard lending practices.</i></p>	<p>M.G.L. c. 40, § 4E(c); 603 CMR 50.03(5)(b)12.</p> <p><i>See M.G.L. c. 40, § 4E(c); 603 CMR 50.04(3)(d).</i></p>		
<p>21. Describe the method of termination of the educational collaborative.</p>	<p>M.G.L. c. 40, § 4E(c)(5); 603 CMR 50.03(5)(b)13; 603 CMR 50.11.</p>		

Model Collaborative Agreement Checklist and Guidance – January 2013

<p>22. Include the procedure for apportioning assets and liabilities upon the termination of the collaborative or the withdrawal of a member district.</p>	<p>603 CMR 50.03(5)(b)14. <i>See also</i> 603 CMR 50.11(2)(a).</p>		
<p>23. Include the process for amending the collaborative agreement.</p>	<p>M.G.L. c. 40, § 4E(c)(6); 603 CMR 50.03(4) and (5)(b)16.</p>		
<p>24. Describe the procedure for the admission and withdrawal of member districts.</p> <p><i>Note that all amendments for the admission or withdrawal of member districts shall comply with the following timeline: “A school committee or charter school board may be admitted to, or an existing member district may withdraw from, an educational collaborative as of July 1 of any fiscal year, provided that all requisite approvals for such admission or withdrawal, including the Board’s approval, shall be obtained no later than the preceding April 30. The authorizing votes may provide for the deferral of said admission or withdrawal until July 1 of a subsequent fiscal year.”</i></p> <p><i>Note also that: “Following the approval for admission to an educational collaborative and continuing until the actual date of such admission, the school committee or charter school board may designate a non-voting representative to the collaborative board of directors.”</i></p>	<p>M.G.L. c. 40, § 4E(c)(5) and (6); 603 CMR 50.03(5)(b)15.</p> <p><i>See 603 CMR 50.03(4)(b)1.</i></p> <p><i>See 603 CMR 50.03(4)(b)2.</i></p>		
<p>25. Notification and signatures from the chairs of the school committees/charter school boards of the member districts. Please leave a space for the signature of the Commissioner of ESE.</p>	<p>603 CMR 50.03(6)(a)1.</p>		

<p>Recommended components of the collaborative agreement: clearly state, for any and all interested parties, the responsibilities and rights afforded to the collaborative board of directors.</p>	<p>Related law/regulation(s)</p>		
<p>26. Highlight key responsibilities of appointed representatives, and the board for example:</p> <ul style="list-style-type: none"> • each collaborative board member shall complete the required training provided or approved by the Department within 60 days of the board member’s initial appointment; • each appointed representative shall be responsible for providing information to the representative’s appointing member district(s) as outlined in M.G.L. c. 40, § 4E and the implementing regulations. 	<p>M.G.L. c. 40, § 4E(c); 603 CMR 50.04(2) and (3); 603 CMR 50.05.</p> <p>This language is recommended due to the recent change in law and new regulations concerning responsibilities of appointed representatives and the responsibilities of the collaborative board.</p>		
<p>27. Stipulate that meetings of the board of directors <i>shall occur at least six (6) times annually.</i></p>	<p>M.G.L. c. 40, § 4E(c) requires that the board meet at least six times annually.</p> <p>This language is recommended so that signatories to the agreement make a commitment and clearly understand the requirements.</p>		
<p>28. Specify that public notice be given of the date, time, and location of all meetings in accordance with the law pertaining to the open meetings of state governmental bodies. Indicate that detailed, accurate records of every meeting be adopted and kept in accordance with the law pertaining to the open meetings of governmental bodies and made available on the collaborative website.</p>	<p>M.G.L. c. 30A, §§ 18-25, the Open Meeting Law, requires public notice of meetings and requires that detailed accurate records of meetings be adopted and retained.</p> <p>This language is recommended so that signatories to the agreement make a commitment and clearly understand the requirements.</p>		
<p>29. State that collaborative board members and</p>	<p>M.G.L. c. 268A requires</p>		

Model Collaborative Agreement Checklist and Guidance – January 2013

<p>employees shall be public employees subject to M.G.L. c. 268A.</p>	<p>compliance with the conflict of interest law; this is restated in 603 CMR 50.12(2).</p> <p>This language is recommended so that signatories are aware of the requirements.</p>		
<p>30. Explicitly state that member districts shall not delegate the authority to approve collaborative agreements or amendments to the collaborative agreement to any other person or entity.</p>	<p>M.G.L. c. 40, § 4E(c) and 603 CMR 50.03(5)(d) prohibit delegation of these duties.</p> <p>This language is recommended because it might result in a change in practice for your member districts and/or collaborative.</p>		
<p>31. Explicitly state that the appointed representative shall not delegate his/her powers or send a representative in his/her place as a voting member.</p>	<p>603 CMR 50.04(2)(f) prohibits the delegation of the appointed representative’s duties.</p> <p>This language is recommended so that signatories are aware of these requirements.</p>		
<p>32. State that the collaborative board of directors shall establish policies to support the operation of the educational collaborative and shall review the effectiveness of such policies to ensure currency and appropriateness.</p> <p><i>Note that “in addition to other requirements of law, at a minimum, the collaborative board of directors shall develop and maintain policies relative to personnel, students, finance and internal controls, and health and nursing.”</i></p>	<p>603 CMR 50.04(3)(c).</p> <p>This language is recommended so that signatories are aware of these requirements.</p>		
<p>33. State that the collaborative board shall hire an executive director to oversee collaborative programs and services and shall annually evaluate the executive director’s performance and effectiveness in implementing the programs, policies and goals of the collaborative. The executive director shall</p>	<p>603 CMR 50.06(3) includes these requirements.</p> <p>This language is recommended so that signatories are aware of these requirements.</p>		

Model Collaborative Agreement Checklist and Guidance – January 2013

<p>serve under the general direction of the collaborative board and shall be responsible for managing and supervising the educational collaborative.</p>			
<p>34. State that the collaborative board of directors shall hire or appoint a treasurer to manage all receipts and disbursements through the education collaborative fund and to perform such duties as are required by the collaborative board of directors and authorized by M.G.L. c. 40, § 4E and the implementing regulations. The collaborative board of directors shall annually evaluate the treasurer’s performance and effectiveness.</p>	<p>M.G.L. c. 40, § 4E(c); 603 CMR 50.06(5).</p> <p>This language is recommended so that signatories are aware of these requirements.</p>		
<p>35. State that the collaborative board shall hire a business manager or an employee with responsibilities similar to those of a town accountant who shall be subject to M.G.L. c. 41, § 52 and who shall not be eligible to hold the office of treasurer of the collaborative. The regulations also require that the collaborative board of directors ensure an annual evaluation of such employee’s performance and effectiveness.</p>	<p>M.G.L. c. 40, § 4E(c); 603 CMR 50.06(4).</p> <p>This language is recommended so that signatories are aware of these requirements.</p>		
<p>36. State that there must be segregation of duties between the executive director, treasurer and business manager.</p>	<p>603 CMR 50.06(2)(a).</p> <p>This language is recommended so that signatories are aware of these requirements.</p>		
<p>37. State that no appointed representative on the collaborative board of directors shall be eligible to serve in the positions of executive director, treasurer, or business manager or person with responsibilities similar to those of a town accountant.</p>	<p>603 CMR 50.06(2)(b).</p> <p>This language is recommended so that signatories are aware of these requirements.</p>		
<p>38. State that no employee of the collaborative may serve on the board of directors of the</p>	<p>603 CMR 50.06(2)(c).</p>		

Model Collaborative Agreement Checklist and Guidance – January 2013

<p>educational collaborative or shall be eligible to serve concurrently on in the positions of treasurer, or business manager or person with responsibilities similar to those of a town accountant.</p>	<p>This language is recommended so that signatories are aware of these requirements.</p>		
<p>39. Indicate that the collaborative shall establish and maintain an internet website in accordance with M.G.L. c. 40, § 4E that shall include at a minimum:</p> <ul style="list-style-type: none"> • a list of the appointed representatives on the collaborative board of directors; • copies of the minutes of open meetings held by the collaborative board of directors; • a copy of the collaborative agreement and any amendments; • a copy of the annual report and independent audit required in 603 CMR 50.08; and • contact information for key educational collaborative staff members. 	<p>M.G.L. c. 40, § 4E(i) and 603 CMR 50.04(3)(b) require collaborative websites and establish minimum requirements.</p> <p>This language is recommended so that signatories are aware of these requirements.</p>		
<p>40. State that the board shall ensure that an annual report for the preceding fiscal year be prepared, and upon approval by the collaborative board and no later than January 1 of each year, submit such report to the Commissioner and the chair of each member district.</p> <p><i>Note that the collaborative must make the annual available on the collaborative’s website and that the collaborative must provide a printed hard copy of the most recent annual report to members of the public upon request.</i></p>	<p>M.G.L. c. 40, § 4E(e); 603 CMR 50.08(1).</p> <p>This language is recommended so that signatories are aware of these requirements.</p> <p><i>See M.G.L. c. 40, § 4E(e); 603 CMR 50.04(3)(b).</i></p>		
<p>41. State that the board shall ensure that the collaborative shall annually prepare financial statements, including:</p> <ul style="list-style-type: none"> • a statement of net assets (government-wide); • a statement of activities (government- 	<p>603 CMR 50.07(11).</p> <p>This language is recommended so that signatories are aware of these new regulatory requirements.</p>		

Model Collaborative Agreement Checklist and Guidance – January 2013

<p>wide);</p> <ul style="list-style-type: none"> • a governmental funds balance sheet; • a governmental funds statement of revenues, expenditures, and changes in fund balance; • a general fund statement of revenues, expenditures and changes in fund balance, budget and actual; • a statement of fiduciary net assets; • a statement of changes in fiduciary fund net assets; and • a capital plan identifying current capital obligations or future planned capital projects. 			
<p>42. State that the board shall ensure that an independent audit is completed annually, and, upon approval by the board and no later than January 1 of each year, submit the audit report for the preceding fiscal year to the chair of each member district, the Commissioner and state auditor.</p> <p><i>Note that the audit report must be made available on the collaborative’s website and must be provided.</i></p>	<p>M.G.L. c. 40, § 4E(d) and (e); 603 CMR 50.08(2).</p> <p>This language is recommended so that signatories are aware of these requirements.</p> <p><i>See 603 CMR 50.04(3)(b).</i></p>		
<p>43. State that the collaborative shall adopt and maintain a financial accounting system, in accordance with generally accepted accounting principles as prescribed by the governmental accounting standards board and any supplemental requirements prescribed jointly by the commissioner of elementary and secondary education and the commissioner of revenue, in consultation with the state auditor. At a minimum, the financial accounting system shall delineate:</p> <ul style="list-style-type: none"> (a) administration and overhead; (b) rental of real property; (c) program costs; (d) capital expenditures, including fixed assets, real property or the improvement of real property; 	<p>M.G.L. c. 40, § 4E(d); 603 CMR 50.07(1).</p> <p>The financial accounting system, and compliance with the requirements of the above law and regulation, will be reflected in the required annual audit submissions. This language is recommended so that signatories are aware of these requirements.</p>		

Model Collaborative Agreement Checklist and Guidance – January 2013

<p>(e) debt payments; (f) deposits into a capital reserve; and (g) all additional disclosures required in 50.08(2).</p>			
<p>44. State that the collaborative, acting through its board of directors, may, subject to chapter 30B, enter into contracts for the purchase of supplies, materials and services and for the purchase or leasing of land, buildings and equipment as considered necessary by the board of directors.</p>	<p>M.G.L. c. 40, § 4E(h); 603 CMR 50.07(4). This language is recommended so that signatories are aware of these requirements.</p>		
<p>45. State that the collaborative board of directors may apply, through an appropriate vote, for state, federal, corporate or foundation grants, and may enter into contracts to obtain the funds necessary to carry out the purpose for which the collaborative was established.</p>	<p>603 CMR 50.07(3). This language is recommended because this is a new area of regulation.</p>		
<p>46. State that with respect to <u>Related Organizations</u>:</p> <ul style="list-style-type: none"> • No appointed representative shall serve on the board of directors or as an officer or employee of a related for-profit or non-profit organization. • The executive director, treasurer, and business manager shall not serve as a board member, officer, or employee of any related for-profit or non-profit organization. • No employee of an educational collaborative shall be employed at any related for-profit or non-profit organization. 	<p>603 CMR 50.12(4)(a)-(c). This language is recommended because this is a new requirement of the law and regulations.</p>		

<p>47. State that a collaborative that has received a notice of intent to revoke approval of its agreement shall immediately begin planning for termination of the collaborative by providing notice to member districts and non-member districts.</p>	<p>603 CMR 50.10(2)(e). This language is recommended because this is a new area of regulation.</p>		
--	---	--	--

Other Submission Requirements

A draft collaborative agreement or draft amendment to a collaborative agreement shall be submitted to the Department for initial review, prior to its approval by the member districts. The draft agreement or amendment should be submitted to the Department with a completed checklist (pp.1-11 above). After the Department review of the agreement or amendment has been completed, it may be submitted for local approval by the member districts. Once the collaborative agreement or amended collaborative agreement has been approved by the member districts in accordance with 603 CMR 50.03, it shall be submitted to the Commissioner for final approval by the Board along with the following supplemental documentation:

- a notification and signature from the chair of each member district certifying as to the date the member district voted to approve the collaborative agreement;
- a current organizational chart with the administrative structure of the collaborative;
- the names and positions of current appointed representatives to the collaborative board of directors from each member district;
- the collaborative by-laws, as applicable;
- a detailed description of proposed programs and services for the current year;
- the current location(s) or 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.