

Attachment 4 – Regulations Proposed for Rescission

603 CMR 45.00: Independent Agricultural and Technical Institutes

45.01: Authority, Scope and Purpose

- (1) 603 CMR 45.00 is promulgated pursuant to the authority of the Department stated in M.G.L. c. 74A, §21.
- (2) The provisions of 603 CMR 45.00 shall apply to the governance and operation of Essex Agricultural and Technical Institute.

45.02: Definitions

Commissioner shall mean the Commissioner of Education.

Department shall mean the Department of Elementary and Secondary Education.

45.03: Programs of Study and Admission

- (1) The primary purpose of an agricultural high school is to prepare students for occupations or additional education related to agriculture, agriscience, agribusiness, the care and management of animals, horticulture, forestry, and environmental science. While agricultural high schools may offer other forms of vocational-technical education, as defined in M.G.L. c. 74, § 1, they shall avoid duplication of programs offered in vocational schools located within a 20-mile radius of the school. No new programs or courses of study shall be established without the prior approval of the Commissioner.
- (2) Agricultural high schools shall not give any preference for admission to students on the basis of residence in the particular geographical area previously known as the county within which the school was located. Students shall be admitted in accordance with an admissions plan approved by the Commissioner.
- (3) Each agricultural high school shall be responsible for the transportation of its students in accordance with M.G.L. c. 71, § 7A, and may contract with municipalities for the provision of transportation services, provided that such responsibility shall be limited to students residing in municipalities within a 20-mile radius of the school, as determined by the Commissioner.
- (4) The provisions of M.G.L. c. 74, with the exception of §§ 3, 4, 5, 5A, 5B, 7, 7C, 8A, 23, 24, 32, 37A, 37B, 37C, and 37F, shall apply to independent agricultural and technical institutes. M.G.L. c. 76, § 12B, shall not apply to independent agricultural and technical institutes or students enrolled at such schools.
- (5) 603 CMR 4.00: *Vocational Technical Education*, with the exception of 603 CMR 4.03(6)(b), shall apply to independent agricultural and technical institutes.

45.04: Governance

(1) The board of trustees of each independent agricultural and technical institutes shall have all the powers and duties conferred by law upon regional school committees to the extent that such powers and duties are not inconsistent with statute or other provisions of 603 CMR 45.00.

(2) The board of trustees of each independent agricultural and technical institutes shall appoint a director, who shall be licensed as a vocational technical superintendent pursuant to 603 CMR 4.00. The director shall have all the powers and duties conferred by law upon school superintendents to the extent that such powers and duties are not inconsistent with statute or other provisions of 603 CMR 45.00.

45.05: Budget and Finance

(1) The board of trustees of each agricultural high school shall appoint a treasurer, who shall:

(a) keep full and accurate accounts of the school's revenues, expenses, assets, and liabilities, in accordance with generally accepted accounting principles as established by the governmental accounting standards board;

(b) establish the fiscal year of the school to conform to the fiscal year of the Commonwealth;

(c) prudently invest all monies held in the name of the school;

(d) encumber funds and make expenditures in accordance with policies established by the board of trustees;

(e) permit the inspection of the school's books and accounts by the Commissioner, the state auditor, the director of accounts, the inspector general, or their respective designees; and

(f) prepare and submit to the Commissioner within 120 days following the close of each fiscal year such financial reports as the Commissioner shall require, together with the opinion of an independent auditor attesting to such reports.

(2) The board of trustees of each agricultural high school shall submit to the Commissioner no later than December 31 of each year a proposed budget for the following fiscal year. The Commissioner shall either approve the budget as requested or, if he determines that the amount requested is excessive or unreasonable, shall approve a lesser amount. The Commissioner shall calculate a tuition assessment for such fiscal year, equal to the amount of the approved budget less the amounts estimated to be received from state aid and other sources. Said tuition assessment shall be paid by the various cities and towns in accordance with 603 CMR 45.05(3).

(3) Each agricultural high school shall annually report to the Commissioner, in conjunction with its foundation enrollment reporting pursuant to M.G.L. c. 70, the city or town of residence of each student so enrolled. The Commissioner shall allocate the following year's tuition assessment among the various cities and towns in proportion to such enrollment, and shall notify each city and town of its respective assessment no later than 120 days prior to the start of the fiscal year. Each tuition assessment shall be deducted from the quarterly distributions of chapter 70 aid payable to such city or town, or if such

assessment exceeds the amount of chapter 70 aid payable, it shall be deducted from any other state aid payable to such city or town. The total of all tuition assessments shall be paid each quarter to each agricultural high school.

(4) The board of trustees shall not incur expenses in any fiscal year in excess of the budget amount approved by the Commissioner of Education unless the trustees determine that adequate funds are available for such expenses.

(5) Each agricultural high school shall be eligible for all grants and state aid for which regional school districts are eligible.

(6) The board of trustees shall establish and maintain a capital reserve fund for the purpose of financing necessary facility maintenance and capital improvements, either directly or through the payment of debt service.

(7) For purposes of MGL c. 30B, each agricultural high school is deemed to be a regional school district.