MEMORANDUM

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| **To:** | Members of the Board of Elementary and Secondary Education  |
| **From:**  | Patrick Tutwiler, Interim Commissioner  |
| **Date:**  | April 22, 2025 |
| **Subject:** | Proposed Amendments to Regulations on Regional School Districts, 603 CMR 41.00  |

This month I am presenting proposed amendments to 603 CMR 41.00, the Regulations on Regional School Districts, to the Board of Elementary and Secondary Education (Board) for a vote to solicit public comment, anticipating a final vote by the Board in September 2025, following the public comment period.

These regulations were most recently amended by the Board in 2009. In working with regional school districts, Department staff have identified areas in which current regulatory language limits districts’ ability to structure regional agreements to best serve local needs, places unnecessary requirements on the districts, or lacks clarity. The proposed amendments will update, streamline, and simplify definitions and procedures related to regional school districts, including establishment of such districts and membership changes in existing districts; clarify the required Department review and  Commissioner approval of proposed regional school district agreements and amendments to such agreements; further refine the Commissioner’s role in setting of interim budgets when required by law, along with associated Department activities; and add waiver and severability sections to the regulations. A summary of changes to each section is detailed below.

**Proposed Amendments to 603 CMR 41.00**

The proposed regulation changes should provide greater flexibility and clarity to regional school districts, in particular, in the areas of budget, fiscal oversight, and Commissioner approval of regional agreements and amendments to agreements. The proposed amendments to the regulations include the following:

* New and amended *Definitions* in 603 CMR 41.01.
* Clarification of *Reorganization Procedures* in 603 CMR 41.02, including local and Department responsibilities for the various types of school district reorganization plans. Proposed changes clarify provisions concerning the long-range plan and regional needs conference for proposed new regional school districts as well as amendments to existing regional agreements that change the membership of the district or the grades served by the district.
* In 603 CMR 41.03, *Department of Elementary and Secondary Education Approval*, clarification of the procedures for Department review of proposed regional agreements and amendments to regional agreements and clarification of the sequence and connection between local approval of regional agreements and amendments, Commissioner approval, and any transition periods.
* Technical updates to terms in the *Municipal Representatives in Regional School District Collective Bargaining* in 603 CMR 41.04.
* Clarification of language and procedures related to *Regional School District Budgets* in 603 CMR 41.05, including school committee votes, additional details on allowable methods of assessing member municipalities of the regional school district for budget expenses, related reporting requirements, requirements for school committees and member towns when a budget for an upcoming fiscal year is not locally approved by the start of the fiscal year and the establishment of an interim budget by the Commissioner, amendments to approved budgets and requirements related to budgets when a new member joins or a current member leaves a regional school district, and Department review of regional school district budgets. For example, districts and regional planning boards that wished to propose regional agreement language with a certain threshold for school committee votes on initial budgets were unnecessarily limited by the existing requirement for a strict “majority-vote” on initial budgets. This prevented two-town regions, in particular, from requiring that at least one school committee member from each town supported the initial budget proposal. The amended regulation would permit regional school districts to set a threshold that meets local needs. In addition, the amended regulation clarifies the sources of revenue that a school committee must include in its budget for member municipality approval.
* In 603 CMR 41.06, clarification of requirements related to regional school district use of *Excess and Deficiency Funds*, consistent with joint guidance issued by the Department’s Center for District and School Finance and the Division of Local Services at the Department of Revenue.
* In 603 CMR 41.07, standardization, clarification, and reorganization of requirements related to *Fiscal Control of Regional School Districts by the Commissioner*, to enable the Commissioner to exercise appropriate fiscal oversight of regional school districts for whom such oversight is required under General Laws, chapter 71, §16B as well as 603 CMR 41.05. Proposed changes to these provisions are intended to clarify Department and regional school district obligations in cases where the Commissioner must engage in various levels of fiscal oversight (e.g., no budget by July 1, no budget by December 1, legislatively imposed fiscal oversight).
* The addition of a *Waiver* provision in 603 CMR 41.08, and a *Severability* provision in 603 CMR 41.09. Waivers were not previously available under these regulations. The proposed amendment allows the Commissioner to consider and grant waivers of the regional school district regulations on a case-by-case basis – for example, to extend a transition period when a reasonable extension is requested.

John J. Sullivan, Associate Commissioner for District and School Finance, Lucy Wall of our legal staff, Christine Lynch, former Director of Regional Governance/Management Consultant, and Michelle Griffin, Regional Governance Coordinator, will join us for the discussion.

After reviewing all the comments and determining whether further changes are needed, the Department anticipates bringing the amendments back to the Board in September 2025 for final adoption.

A redlined version of the regulations is attached, along with a motion to solicit public comment on the proposed amendments.

 Enclosures:

603 CMR 41.00 Strikethrough version of relevant portion of regulations showing amendments

Motion: 603 CMR 41.00