Summary of Public Comments on Proposed Changes to the Regulations on Regional School Districts, 603 CMR 41.00

# Introduction

On April 29, 2025, the Massachusetts Board of Elementary and Secondary Education voted to invite public feedback on proposed changes to the state’s Regulations on Regional School Districts (603 CMR 41.00; herein referred to as 41.xx) until June 28, 2025. During this period, a total of six individuals submitted written comments; five individuals submitted comments via email and three individuals submitted comments through a dedicated public comment survey tool; two of these individuals commented by email and via the survey tool. All survey responses and emails, with personal data redacted as required, are available upon request.

# Summary of Public Comment

**Summary of Public Comment Themes and Department of Elementary and Secondary Education (DESE or Department) Responses**

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| **Public Comment Received** | **Department’s Response** |
| **603 CMR 41.01: Definitions** |  |
| Commenter requested that the definition of alternative assessment method include language that the vote to approve a budget by each member municipality must be separate from the vote to utilize the alternative assessment method. [See also related comments in 41.05](*Parent/Community Member/Former Regional School Committee member)* | No change. The authorizing law does not require a separate vote on the budget and the use of the method to calculate the assessments.  |
| **603 CMR 41.02: Reorganization Procedures** |  |
| Commenter suggested DESE provide model Long-Range Education Plans and procedural handbooks for towns navigating withdrawal, dissolution, or reconfiguration, which commenter believes will ensure consistency and equitable planning capacity across municipalities.*(Commenter provided no affiliation)* | No change. The components of the Long-Range Education Plan have been and continue to be included in these regulations. As these components are highly individualized depending on the type of school district reorganization as well as the municipalities and school districts involved, standardization would not be appropriate.  |
| Commenter noted that 41.02 makes no mention of "withdrawal" though section 41.03(2)(c) requires that a long-range education plan be created for withdrawals in line with 41.02(2). Commenter asked whether a withdrawal is considered a "reorganization”, and, whether there should be language for a "Regional School District withdrawal board" (similar to a Regional School District Planning Board.) *(Parent/Community Member/Former Regional School Committee Member)*  | No change. The proposed revised definition of reorganization in 41.01 states: “*The formation of a new regional school district or changes in the ~~grade structure~~ ~~or~~ membership of or grades served by an existing regional school district*.” Under both current and proposed definitions, a withdrawal is considered a reorganization. The long-range plan requirement for a withdrawal is addressed in 41.03(2)(c), as noted by commenter. Regional school district planning boards are created by statute and there is no similar statutory language concerning a “withdrawal board”. |
| **603 CMR 41.03: Department of Elementary and Secondary Education Approval** |  |
| Commenter suggested that DESE implement fast-track approval processes for non-controversial or widely supported amendments to regional school district agreements, to avoid procedural gridlock and unnecessary delay.*(Commenter provided no affiliation)* | No change. The proposed regulations would not prevent the expedited approval of amendments to regional school district agreements if, after review, DESE determines that an amendment meets the provisions of current law and regulations.  |
| Commenter suggested that DESE introduce a limited appeal or advisory review process for Commissioner determinations regarding regional school district agreements, to offer a remedy for communities who may experience arbitrary or inconsistent decisions.*(Commenter provided no affiliation)* | No change. DESE has not experienced a need for a formal Commissioner’s appeal process. Staff in the DESE Office of Regional Governance and the Center for School Finance and District Support work closely and cooperatively with local officials on regional school district agreements. Local officials may contact the Commissioner if they have concerns about a DESE determination.  |
| Commenter suggested that DESE clarify the process for member withdrawal under 41.03(2)(c), so it is clear that a member municipality that wishes to withdraw from a regional school district must do so in accordance with the local votes required in 41.03(3).*(Superintendent/Director)*  | DESE has clarified the language in 41.03(2)(c) to include reference to the required local votes to eliminate ambiguity. DESE added language in 41.03(2)(a), (d), and (e) and 41.03(3) to clarify that local votes are required for all amendments and the various types of reorganization.  |
| **603 CMR 41.04: Municipal Representatives in Regional School District Collective Bargaining** |  |
| Commenter noted that where 41.04(1) states "shall elect one of their number…” that the word "number" should be "member."*(**School Administrator)* | No change. The term “number” refers to a chief executive officer or a member of a selectboard from any one of the member municipalities of the regional school district. This language is as stated in MGL c. 150E.  |
| Commenter proposed additional requirements related to collective bargaining. *(Commenter provided no affiliation)* | No change. DESE’s role under Chapter 150E is limited to establishing the process for selection of municipal representatives in regional school district collective bargaining.  |
| **603 CMR 41.05: Regional School District Budgets** |  |
| Commenter stated concern that current regulations permit the use of alternative assessment methods without sufficient public transparency and accountability and suggested adding a new paragraph to M.G.L. c. 71, § 16B. *(Commenter provided no affiliation)* | No change. The regulatory language is consistent with the requirements of M.G.L. c. 71, § 16B, which allows for the use of an alternative assessment method. Any proposed changes to the statute should be directed to the Legislature.  |
| Commenter requested clarification on budget approval and the legal status of town meeting contingencies, arguing that, in accordance with M.G.L. c. 71, § 16B, once the regional school committee adopts a budget by a two-thirds vote, that budget must be submitted to the member towns for approval of their respective assessments, and that a town meeting vote to approve the full assessment amount constitutes legal approval of the district budget, whether or not local [member municipality] language attempts to impose a contingency or condition on that vote. Commenter expressed their belief that “[a]ny contingency placed on a budget appropriation—such as making approval ‘subject to an override,’ ‘pending further town action,’ or ‘conditional upon another vote’— is ‘legally unenforceable unless expressly authorized by the regional school committee…”*(Commenter provided no affiliation)* | No change. For a regional school committee budget to be approved by a member, the full amount of the regional school committee assessment to a member must be approved by the member in accordance with law, regulations, and the regional school district agreement. Although a member municipality may not veto or restrict line items in a regional school committee budget in accordance with M.G.L. c. 71, § 34, its vote on the total school committee budget may be subject to an override or a debt exclusion, in which case, the member’s approval of the regional school committee budget would not be complete or valid until such an override or debt exclusion was also approved.  |
| Commenter was pleased that the word "shall" was not changed to "may" in the first sentence of section 41.05(2)(a), requiring that a budget adopted by a regional school committee shall be placed before each member municipality’s local appropriating authority for its consideration. (*Parent/Community Member/Former Regional School Committee Member)* | No response is necessary.  |
| Commenter noted concern about checks and balances from DESE related to language in 41.05(2)(b)that states: "*if a separate vote is not taken, the approval of the budget using the alternative assessment method is deemed approval of the method*," and, related to this, asked where the regulations require the regional school district to disclose the use of the alternative method. *(Parent/Community Member/Former Regional School Committee Member)* | No change. Existing regulatory language, retained in the proposed regulations at 603 CMR 41.05(1)(b), states that the regional school district budget “…***shall*** *specify whether members' assessments are to be calculated pursuant to the statutory assessment method or the alternative assessment method*;…” [Emphasis added.] Accordingly, committees must specify the method annually as part of the budget process. Further, regional school districts report their method of apportioning cost to DESE each year on the End of Year Financial Reports. There are two allowable methods for calculating assessments under law.  |
| Commenter stated that, related to 41.05(3)(d),if a member municipality rejected an initial regional school committee budget, it should be given the opportunity to approve the reconsidered school committee budget without holding an additional town meeting, and that language should remain that allows that town to record a positive vote on the reconsidered budget even though the amount had not been approved at town meeting by not holding a town meeting within 45 days to reject the budget. Commenter accordingly suggested that newly proposed language stating “*and previously appropriated funds for its assessment in an amount greater than or equal to its assessment under the revised budget*” be removed. *(Superintendent)* | No change. The proposed language in 41.05(3)(d) clarifies the process that may be used by a member municipality to record acceptance of an amended budget that did not increase the member’s assessment, without an additional town meeting. That no action by a member during the 45-day period constitutes approval is based on the premise that the member had previously appropriated funds for its assessment in an amount greater than or equal to the member’s assessment for the amended budget.  |
| Commenter suggested editorial changes regarding the Commissioner action in 41.05(7) (recommending changes from “Commissioner” to “Commissioner of Elementary and Secondary Education,” and “such actions as deemed appropriate” to “such action deemed appropriate”). *(School Administrator)* | No change. DESE does not believe the suggested editorial changes are necessary.  |
| **603 CMR 41.06: Excess and Deficiency Funds** |  |
| Commenter suggested that language in 41.06(3) "*for either its current budget or*" should not be included “*as it should be foreshadowing the proposed budget calculations and the remaining proposed language*.”*(School Administrator)* | No change. M.G.L. c. 71, §16B1/2 does not limit the use of excess and deficiency funds in the manner proposed by the commenter. The proposed regulations provide flexibility to regional school districts and their members regarding the use of excess and deficiency funds over the allowable 5% that the regional school districts may retain at the end of a fiscal year, by allowing them to use the amount that exceeds the allowable 5% either in the current fiscal year’s budget or the proposed budget for the upcoming fiscal year.  |
| **603 CMR 41.07:** **Fiscal ~~Control~~ Oversight of Regional School Districts by the Commissioner** |  |
| Commenter was pleased to see these updates - especially the removal of the word "control." *(Parent/Community member/Former Regional School Committee member)* | No response needed. |
| **603 CMR 41.08: Waiver** |  |
| Commenter asked if a member town would be prohibited by law from asking the Commissioner to waive the withdrawal requirements.  *(Superintendent/Director)* | No change. The waiver provision would apply to all sections of the regulations.  |
| Commenter stated concerns that waivers lack sufficient public transparency or accountability and that a waiver provision might enable waivers that prioritize municipal budget pressures over student educational needs. Commenter made specific suggestions to limit the availability of waivers. *(Commenter did not provide affiliation)* | No change. The proposed language allows for waivers to be granted only to the extent allowed by law and only in extraordinary circumstances. |
| Commenter stated that a waiver provision is “dangerous if the intent is to give more flexibility to a member town/towns.” *(Parent/community member/former school committee member)* | No change. A waiver provision was proposed to provide flexibility with respect to regionalization as well as regional school district functions, and to provide alignment with other DESE regulations that already include a waiver provision. Waivers may be considered and granted only in extraordinary circumstances and only to the extent allowed by law. A waiver requested by a member municipality would have to meet these standards.  |
| **Additional Questions and Comments** |  |
| Commenter asked where the DESE governance oversight is to enforce a proposed amended agreement that has not been approved by member towns and where are the checks and balances from the Board of Elementary and Secondary Education to support school districts in such conflicts. *(Parent/community member/former school committee member)* | The regional school district law requires that each regional agreement contain a method of amending the regional agreement. Most regional agreements include a provision that requires such an amendment to be submitted to the local appropriating authorities of the member municipalities for approval. Disputes about enforcement of such amendment procedures are local matters. |
| Commenter stated that the Department’s efforts to clarify timelines, define roles in district reorganization, and strengthen budget adoption procedures are commendable, and that the proposed framework ensures greater transparency, predictability, and coordination across regional school districts. Commenter also suggested that DESE codify how weighted voting is to be counted and validated in both school committee actions and municipal approval of budgets or agreements, to reduce ambiguity and potential legal disputes.*(Commenter provided no affiliation)* | No change. Weighted voting is one of five methods allowed under M.G.L. c. 71, § 14E that may be designated in the regional agreement to ensure compliance with the one person, one vote principle under the U.S. Constitution. When DESE reviews regional agreements and amendments, the calculation of the weighted voting is considered and discussed when necessary. DESE cannot codify this calculation in law but will consider issuing an advisory on the methods of school committee voting under M.G.L. c. 71, § 14, including weighted voting.The regional school district law does not provide for the weighting of municipal approval of the regional school district budget or a regional agreement or an amendment to a regional agreement. |
| Commenter suggested that DESE encourage districts to create and maintain stabilization funds and permit mid-year budget adjustments, to help districts respond flexibly to unforeseen costs or revenue changes.*(Commenter provided no affiliation)* | No change. DESE encourages regional school districts to create and maintain stabilization funds to support long range planning, especially for capital items, through guidance and presentations. The law and regulations outline other flexible options available to the regional school committee in administering/revising its budget to meet current needs and DESE has issued guidance and held presentations on these options as well. |
| Commenter requested that DESE allow more time for the public to review and digest what is being proposed. Commenter asked that these amendments not be rushed “if it is being done to appease the Politics of local governments, giving member towns more ‘flexibility’ in their responsibilities to fund a regional school budget.”(*Parent/Community Member/Former Regional School Committee member)* | No change. The Board voted on April 29, 2025 to extend the public comment period for this regulatory review longer than initially proposed and longer than required by law.  |
| Commenter asked whether these regulatory changes would have a specific or different impact on regional school districts comprised of only two member towns. (*Parent/Community Member/Former Regional School Committee member)* | No change. Proposed changes to the regulations would not have any disparate impact on two-town regional school districts. |