# **MEMORANDUM**

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| **To:** | Members of the Board of Elementary and Secondary Education |
| **From:** | Pedro Martinez, Commissioner |
| **Date:** | September 23, 2025 |
| **Subject:** | Amendments to Regulations on Regional School Districts, 603 CMR 41.00 |

In April 2025, the Board of Elementary and Secondary Education (Board) voted to release and solicit public comment on proposed amendments to the regulations on Regional School Districts (603 CMR 41.00). The Department of Elementary and Secondary Education (Department) invited public comment on the proposed regulatory changes, and extended the public comment period to June 28, 2025. Based on the comments received, I am recommending several additional changes to the regulations. In addition, we have made a few editorial changes for consistency and clarity. Enclosed with this memorandum are the amended regulations, 603 CMR 41.00, for final adoption. I recommend that the Board vote on September 30, 2025 to adopt the amendments to the regulations.

**Background**

These regulations were most recently amended by the Board in 2009. Based on the Department’s work with regional school districts since 2009, the proposed amendments are intended to update and clarify procedures relating to regional school districts. Key provisions of the proposed amendments 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 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.
* 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.

**Summary of Public Comment**

During the public comment period, the Department offered to meet with the following organizations to review proposed changes: Massachusetts Association of Regional School Districts (MARS), Massachusetts Association of School Committees (MASC), Massachusetts Association of School Business Officials (MASBO), Massachusetts Association of School Superintendents (MASS), and Massachusetts Association of Vocational Administrators (MAVA). Informational sessions were held with MARS on May 9, 2025, MASBO on May 21, 2025, and MASC on June 20, 2025.

The Department received comments from six individuals including individuals with the following roles: parent/community member/former school committee member, school district administrator, and school district superintendent. A summary of the public comments and the Department’s responses is enclosed.

**Response to Public Comment**

Based on the public comment received, I am recommending several clarifying changes to the regulations proposed at the April Board meeting. A commenter noted the need for clarification related to member withdrawal from a regional school district under 41.03(2)(c). The proposed regulations did not specify that member municipalities of a regional school district that wish to withdraw from a regional school district must do so in accordance with the local votes required in 603 CMR 41.03(3). To address the ambiguity in this and other sections related to regional school district reorganization, we have made changes to the language in 603 CMR 41.03(2)(a), (c), (d), and (new subsection) (e) and 41.03(3) to clarify that local votes are required for amendments, including those that propose various types of reorganization.

At the September 30, 2025 Board meeting John J. Sullivan, Associate Commissioner for District and School Finance, Christine Lynch, former Director of Regional Governance/Management Consultant, Michelle Griffin, Regional Governance Coordinator, and Lucy Wall of our legal staff will join us for the discussion.

Attached are four documents: the April 22, 2025 memorandum from Interim Commissioner/Secretary Tutwiler outlining the proposed revisions to 603 CMR 41.00; a summary of public comments received and the Department’s responses; the proposed final regulations; and a motion to adopt the regulations. All comments, with personal data redacted as required, are available upon request.

Attachments:

* April 22, 2025 memorandum
* Summary of Public Comment
* Proposed Final Regulations
* Motion 603 CMR 41.00