Whose job is it, anyway?

Roles and responsibilities of school committees for school business officers

Tracy O’Connell Novick
Massachusetts Association of School Committees
What do school committees do?

“The school committee in each city and town and each regional school district:

shall have the power to select and to terminate the superintendent,

shall review and approve budgets for public education in the district,

and shall establish educational goals and policies for the schools in the district consistent with the requirements of law and statewide goals and standards established by the board of education.”

MGL ch. 71, sec.37
Whose job is it, anyway?

Personnel
"The school committee...shall have the power to select and to terminate the superintendent”

MGL ch. 71, sec. 37
“School committees shall establish evaluation systems and performance standards for the evaluation of administrators that include all of the principles of evaluation”

603 CMR 35.04
All represented employees

“In the case of school employees, the municipal employer shall be represented by the school committee or its designated representative or representatives.”

MGL Ch.150E, Sec.1
The Deputy/Assistant/Associate Superintendent

“Upon the recommendation of the superintendent, the school committee may also establish and appoint positions of assistant or associate superintendents, who shall report to the superintendent, and the school committee shall fix the compensation paid to such assistant or associate superintendents.”

MGL Ch.71 sec. 59
“The school committee shall approve or disapprove the hiring of said positions. Such approval by the school committee of the recommendation shall not be unreasonably withheld; provided, however, that upon the request of the superintendent the school committee shall provide an explanation of disapproval.”

MGL Ch.71 sec. 59
Legal Counsel

“The school committee of a city or town may employ legal counsel for the general purposes of the committee and may expend money therefor from the funds appropriated by said city or town for school purposes.”

MGL ch.71, sec. 37F
A few others...

- Special education director (MGL Ch.71B, sec.3A)
- Nurses and school physicians (MGL Ch.71, sec.53)
- Attendance officer (MGL Ch.76, sec.19)
- Chief Procurement officer (regionals) (MGL Ch. 30B, sec. 2)
...and School Business Administrators

“A school committee may award a contract to a superintendent of schools or a school business administrator for periods not exceeding six years...”

MGL Ch.71, sec.41
Whose job is it, anyway?

Policy
When is it policy?

**What** to do is school committee.

**How** it is done is administration.
Where can policy be found?

- The district policy manual*

But also:
- Strategic plans
- District goals
- Student handbook
- And...THE BUDGET!
If your district uses the National Education Policy Network (NEPN) policy system, section D is “Fiscal Management.”
Whose job is it, anyway?

Bonus round
School lunch prices

“The school committee may prepare and sell lunches at one or more school buildings for the pupils and teachers of the public schools at such prices as it deems reasonable.”

MGL Ch.71, sec. 72
Local preference on food products

“Notwithstanding any general or special law to the contrary and to the extent permitted by federal law, a governmental body may, by a majority vote, establish a preference for products of agriculture”

MGL Ch. 30B, Sec. 20
School year

“Prior to the beginning of each school year, every school committee shall establish school year schedules for each of the public schools under its supervision and control, based on the particular learning needs of students within each school.”

603 CMR 27.03
New courses

"...provided approval and implementation of said course is voted by two-thirds or more of the full membership of the school committee."

MGL Ch.71, sec.13
“A change may be made in the school books used in the public schools by a vote of two thirds of the whole school committee at a meeting thereof, notice of such intended change having been given at a previous meeting.”

MGL Ch.71, sec. 50
Transfer of property

“...a city or town, with the approval of the school committee, may rent or lease any school building not in actual use and, with the approval of the commissioner of education, surplus space in a school building in actual use...The terms of any such rental or lease shall be as approved by the school committee...”

MGL Ch. 40, Sec. 3
Contracts of more than three years

“Unless authorized by majority vote, a procurement officer shall not award a contract for a term exceeding three years, including any renewal, extension, or option.”

MGL Ch. 30B, Sec. 12b
Approval of new private schools in district

“For the purposes of this section, school committees shall approve a private school when satisfied that the instruction in all the studies required by law equals in thoroughness and efficiency…”

MGL Ch. 76, Sec.1
Whose job is it, anyway?

Budget
“shall review and approve budgets for public education in the district” MGL Ch. 71, sec.37

No question

with regard to money

is off limits

from the school committee.
Budgeting is **not** a once-a-year job.

- The School Committee has the right and obligation to ensure that services have not only been paid for, but also that they have been provided to the school district. (MGL 41:56)
- The School Committee can be held accountable by the voters for fraud, misappropriation, or over-expenditure within a district.

Public transparency of public spending comes through the School Committee.
Ultimately, the budget belongs to the school committee.
Warrants

“The selectmen and all boards, committees, heads of departments and officers authorized to expend money **shall approve and transmit** to the town accountant as often as once each month all bills, drafts, orders and pay rolls chargeable to the respective appropriations of which they have the expenditure.”

MGL Ch.41, Sec.56
“For purposes of this section, the board of selectmen and any other board, committee or head of department consisting of more than 1 member authorized to expend money, may designate any 1 of its members to approve all bills, drafts, orders and payrolls; provided, however, that the member shall make available to the board, committee or other department head, at the first meeting following such action, a record of such actions. This provision shall not limit the responsibility of each member of the board in the event of a noncompliance with this section.”

MGL Ch.41, Sec.56
Per DOR opinion 93-983, “The School Committee remains the head of the school department for the purposes of approving bills and payrolls” under MGL Ch.41, sec.41 and 56.
“Such approval shall be given only after an examination to determine that the charges are correct and that the goods, materials or services charged for were ordered and that such goods and materials were delivered and that the services were actually rendered to or for the town as the case may be”

MGL Ch.41, Sec.41
Thus, yes, School Committee members who are signing warrants can and in fact SHOULD ask questions before/as they are doing so.
Monthly or quarterly updates

- For line item transfers
- For fiscal transparency
- For subsequent year budget planning
Grants and Gifts

“School committees of cities and towns and regional district school committees may accept grants or gifts for educational purposes from federal, state, county and municipal governments or agencies thereof, charitable foundations and private corporations and disburse the same for such purposes.”

MGL Ch.71, Sec.37A
Grants and gifts

Per DOR opinion 94-660, the authority of the school committee over operating budgets **may not be delegated**.

Thus no, a minimum acceptance policy may not be set.
“The vote of the legislative body of a city or town shall establish the total appropriation for the support of the public schools, but may not limit the authority of the school committee to determine expenditures within the total appropriation.”

MGL Ch.71, sec.34
“The school committee of each city, town or regional school district shall hold a public hearing on its proposed annual budget not less than seven days after publication of a notice thereof in a newspaper having general circulation in such city, town or district.”

MGL Ch.71, Sec.38N
“At the time and place so advertised or at any time or place to which such hearing may from time to time be adjourned all interested persons shall be given an opportunity to be heard for or against the whole or any part of the proposed budget.”

MGL Ch.71, Sec.38N
What’s in a budget?

Budget line items to be passed by the school committee should meet the standard of *reasonableness*.

- Line items should be specific enough for effective policy monitoring and fiscal transparency...
- ...while broad enough to allow for effective school governance.
Thus, no...

...passing the entire school budget as a single line item is not a reasonable level of transparency.
What’s in a budget?

At a MINIMUM: budgetary accounts should have the same level of transparency as that required by DESE’s accounts

Administration
Instructional Leadership
Classroom teachers
Other teaching services
Professional development
Instructional equipment

Guidance and psychology
Pupil services
Operations and maintenance
Employee benefits
Special education

(but it doesn’t have to be these divisions)
Per DOR opinion 94-660, “only the school committee has the authority to transfer amounts between line items (allocations) in its budget and cannot delegate this authority to any other municipal board or officer”

Thus no, a minimum transfer policy may not be set.
What’s in a budget?

Budgets have a broad array of users, beyond the administration and the school committee.

The budget document should make it possible for any reader to understand where the money comes from and goes.
Thus budgets are not:

- A spreadsheet
- A PowerPoint presentation
Your budget is a policy document.

The direction of your district is implemented through how money is spent.
“The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people”
Tracy O’Connell Novick
Field Director
Massachusetts Association of School Committees
tnovick@masc.org
617-523-8454 (office)
508-579-5472 (cell)
@TracyNovick (Twitter)