



Massachusetts Department of Elementary and Secondary Education

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Responsibilities of School Committees and Charter School Boards as Member Districts of an Educational Collaborative

Massachusetts General Law Chapter 40, § 4E permits two or more school committees and/or charter school boards of trustees to enter into a written **collaborative agreement** to provide shared programs and services, as long as a primary purpose of these shared programs and services is to complement the educational programs of member school committees and charter school boards in a cost-effective manner. The association created by this agreement is known as an **education collaborative (collaborative)**, and the school committees and charter school boards who enter into the agreement are referred to as **member districts**.

An educational collaborative is authorized by the collaborative agreement to operate as an extension of the programs and services of the member districts. Accordingly, member districts' oversight of the collaborative, through their appointed representatives to its governing collaborative board (**board**), is important throughout a collaborative's operation.

This Guidance is intended to provide an overview of some of the responsibilities of member districts in the operation of a collaborative. Individuals and officials in member districts are encouraged to review the collaborative law and regulations about their responsibilities, and consult with legal counsel with any questions about these, or other responsibilities under state and federal laws.

Member districts have specific rights and responsibilities under M.G.L. c. 40, § 4E ([law](#)) and 603 CMR 50.00 ([implementing regulations](#)), as noted below. Each agreement may detail other rights and responsibilities, specific to the individual collaborative.

- Member districts must approve the collaborative agreement at an open meeting. Member districts must also approve or disapprove any amendments to the collaborative agreement.
 - A member district may not delegate the authority to approve the collaborative agreement or amendments to any other person or entity.
 - Amendments related to the membership of a collaborative (admission or withdrawal of a member district) must be approved by the member districts and the Commissioner of Elementary and Secondary Education (Commissioner) by April 30 in order to be effective on July 1 of the following fiscal year.
 - All collaborative agreements and amendments to the collaborative agreement must be approved by the Commissioner before they can take effect.
- Member districts must annually appoint either a member of the school committee or charter school board or its superintendent of schools (in the case of a school committee) to serve as their appointed representatives (or board members) on each collaborative board.
 - Each board member has one equal vote.

- o Following the Commissioner’s approval for admission of a new member district and continuing until the actual date of such admission, the member district may designate a non-voting representative to serve on the board.
- Member districts must ensure that their appointed representatives attend mandated collaborative board member training within sixty days of appointment.
- Member districts must, to the extent possible, provide appropriate space in their public school buildings in order to support collaborative programs in the least restrictive environment to ensure compliance with civil rights and special education laws and regulations.
- A school committee and/or charter school board may authorize the prepayment of monies to the collaborative for an educational program(s) or service(s) of the collaborative and the city, town or regional school district or charter school treasurer is required to approve and pay these funds to the collaborative.
- Member districts may request a waiver of the provisions of the collaborative regulations. Member districts may be asked by the Commissioner to withhold payment of public funds to a collaborative that has been placed on probationary status under the collaborative regulations.
- Member districts must ensure that if the collaborative terminates operations, they and the collaborative follow the termination procedures in the collaborative regulations.
- Member districts should expect to receive the following information from their appointed representatives:
 - o reports on significant changes in programs, services, budgets, and property (as they arise);
 - o quarterly information and updates on collaborative activities at an open meeting, including, but not limited to, the programs and services provided by the collaborative;
 - o copies of the collaborative agreement and any amendments;
 - o copies of the annual budget and tuition rate(s);
 - o copies of the annual report and independent financial audit;
 - o notifications of any applications for real estate mortgages;
 - o copies of any capital plan approved by the collaborative board;
 - o notification at the next regularly scheduled open meeting whenever the interests of the educational collaborative conflict with those of the appointing member district; and
 - o any additional information as may be requested by a vote of the member school district.
- Member districts’ approval is required for a collaborative to establish a capital reserve fund or modify the purpose of the reserve.
 - o Two-thirds of the member districts must approve the establishment of the reserve.
 - o The request by the collaborative for approval by the member districts must state the reason for the reserve and a limit on the balance that may be held in the reserve.
 - o If the collaborative board modifies the purpose of the capital reserve fund, the board must amend its capital plan and provide notice to all member districts. If the member district does not vote to disapprove the revision within a 45 day period following notice, that member district shall be deemed to have approved the revised capital plan. Two-thirds approval of the member districts is required for the collaborative board to implement the revised plan.

Certain procedures outlined in law and regulation require that member districts receive advance notice of potentially significant obligations. The following requirements are in place to ensure that these bodies have the opportunity to provide direction to their board members:

- If a collaborative enters into short- or long- term agreements or mortgages for the approved acquisition or improvement of real property, the collaborative board must (1) provide notice to each member district within 30 calendar days of applying for real estate mortgages; and (2) discuss its intent to apply for a real estate mortgage at a public meeting of the collaborative board prior to the meeting of the board at which the final vote is taken.
- Notice shall be provided to the member districts in advance of the collaborative board meeting to discuss the proposed annual budget of the collaborative. The collaborative board may approved the budget for the upcoming year at a collaborative board meeting held at least ten working days following the board meeting at which the collaborative budget was first proposed.
- The chairs of each member district must receive written notice of any proposal to increase the collaborative budget at least 48 hours in advance of the collaborative board meeting at which such a proposal will be entertained.
- Any budget amendment that proposes moving funds from an unrestricted category to a restricted category (OPEB, capital reserve) must be submitted in writing to the chairs of the member districts at least 48 hours in advance of a final vote by the collaborative board. (Such a transfer would result in funds not being considered in that year’s cumulative surplus determination.)
- Any budget amendment that results in an increase in the tuition rates, membership dues or fees-for service shall be provided to the member districts in accordance with a timeframe and process outlined in the collaborative agreement.

Member districts must comply with the provisions of the collaborative agreement. Collaborative agreements may include conditions of membership, such as financial terms, membership dues, and board meeting attendance requirements, as well as the imposition of consequences if the conditions of membership are not met. Consequences could include financial penalties and the loss of a member district’s vote in collaborative board meetings. Accordingly, member districts must be attentive to the district’s as well as the appointed representative’s fulfillment of these conditions.

The authorizing law and implementing regulations require that the agreement address certain topics but allow the member districts to determine the specific procedures within the agreement. Member districts should be aware of these specific procedures in their agreements, including, but not limited to:

- The process for returning (or crediting) cumulative surplus funds in excess of the agreement limit on cumulative surplus;
- The method and timeline for transmitting the budget and the tuition rates, membership dues and fees-for-service for the upcoming fiscal year to each member district.
- The time frame and process for making financial payments to the collaborative;
- The method of determining rates for tuitions and fees for member districts;
- How assets or liabilities will be apportioned to each member district, if the collaborative dissolves or terminates operations; and
- Whether a member district is entitled to assets or will be liable for obligations if it withdraws from the collaborative.

For further information, please consult the following resources and/or contact the Office of Regional Governance at 781-338-6526 or at collaboratives@doe.mass.edu:

[Massachusetts Education Collaboratives](#): Website

[Authorizing Law](#): Education Collaboratives

[Regulations](#): Educational Collaboratives