

ANDERSON & KREIGER LLP

ACHESON H. CALLAGHAN
acallaghan@andersonkreiger.com

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By Facsimile 978-264-9630
and Regular Mail

Mr. John Murray
Assistant Town Manager
Town of Acton
472 Main Street
Acton, MA 01720

Dear John: (Local School Budget Question)

You have asked me to supplement George Hall's letter about action the Town Meeting may take with respect to the Regional School District budget with advice on the local school budget. I have previously spoken with the moderator with respect to both, and this letter will confirm that advice, and add a couple of points.

1. General Laws c. 71, § 34 provides that the Town:

"shall annually provide an amount of money sufficient for the support of the public schools as required by this chapter, *provided however*, that no city or town shall be required to provide more money for the support of the public schools than is appropriated by vote of the legislative body . . . of the town." (emphasis added)

The proviso set out above means that the Town Meeting votes on the total amount to be appropriated for local schools. It may reduce (or increase) the total budget presented by the School Committee. Thus the school budget article says "to see if the Town will appropriate the sum of _____, or any other sum."

2. The next sentence of § 34 provides that the Town Meeting -

"shall vote on the total amount of the appropriations requested and shall not allocate appropriations among accounts or place any restrictions on such appropriations."

This sentence means exactly what it says. The Town Meeting can not tell the School Committee how to allocate total appropriation among various educational functions. The last sentence of § 34 reinforces this by providing that the Town Meeting "may not limit the authority of the School Committee to determine expenditures within the total appropriation."

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3. Nevertheless, § 34 also expressly provides that the Town Meeting "may make nonbinding monetary recommendations to increase or decrease certain items allocating such appropriations."

I have discussed this with the moderator in the past and again last week and he has so ruled that he would accept motion for such nonbinding recommendation when the issue has come up in the past. I note that, the School Committee must hold a public hearing on its proposed budget (G.L.c. 71, § 38N) and regularly provide citizens with detailed information about how the total will be spent. Any citizen who wants to propose a nonbinding "recommendation" to increase or decrease expenditures for a specific purpose can use that information as a starting point for a motion. An appropriate motion would be to move that -

"the Town Meeting recommends that the School Committee reduce (or increase) its expenditure for [describe purpose] by [state amount]."

Such a motion can also combine these two actions by recommending a transfer of a certain amount from purpose A to purpose B. Either motion is simply a recommendation, however and the ultimate decision about how the total is spent is for the School Committee.

4. In addition consideration of the school budget this year is complicated by two other facts. The first is the budget override vote. The success or failure of that vote will determine the total amount the Town can appropriate for the schools and the regular town function may generate various directions about how to spend the total appropriation under either budget. There is no easy way handle these issues, but the moderator can explain the underlying issues before either budget is considered and the Fin Com, the Board of Selectmen, and the School Committee will have to keep track of the amounts voted as the meeting proceeds. Second, the great increase in state aid for education over the last decade, has been accompanied by a host of requirements about school budgets. For example, under (G.L.c. 70, § 3) the state sets a "foundation budget" for each school system. Although the School Committee does not have to allocate the foundation budget in accordance with the categories used in calculating it (G.L.c. 70, § 8), the Town must appropriate "an amount equal to not less than the sum of the minimum required local contribution, federal impact and all state school aid and grants but not including equity and for education . . . for the fiscal year." (G.L.c. 70, § 6) These are all defined terms and the calculations are complicated, but if it becomes relevant I am sure the School Committee can provide the relevant figures.

In any case state aid is a significant fraction of every school budget, but the total amount and the formula for allocation among school districts may be changed this year because of the large anticipated state budget deficit for FY 2004. It is extremely unlikely that the issues before the state legislation will be resolved, or even clarified, by Town Meeting time, although I assume

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the School Committee and Finance Committees will try to keep informed about the effects of the Governor's budget recommendations and various alternatives that have been or will be proposed. I suspect that the Town may have to come back in the fall to make adjustments in the budgets after the state adopts its budget.

I hope this is helpful in setting out the ground rules.

Very truly yours,



Acheson H. Callaghan

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