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President's Letter



Big changes will be occurring on Beacon Hill in the next few weeks, as a new administration takes office and a new legislative session opens for business.

But, as the old saying goes, the more things change, the more they remain the same. In the past few years, legislators have filed numerous bills that would place burdensome and often costly regulations on our institutions. Many threatened the independence that is the foundation of nonprofit schools and colleges in Massachusetts.

MANS&C was able to stop many detrimental bills this session. Unfortunately, House Bill 3637 was recently signed into law by the governor despite numerous letters from MANS&C members and the best efforts of our legislative counsel, John Spillane. This law, detailed in this newsletter's Legislative Report, will have serious consequences for nonprofit schools in Massachusetts.

More problematic bills are on the horizon. As a result, it is more important than ever that our institutions develop working relationships with our state senators and representatives, in addition to officials in our local communities.

It also is crucial that we have at our fingertips the important, often unrecognized benefits our schools and colleges provide to our cities and towns. By preparing detailed Community Impact Statements about the economic and social contributions we make to our communities, we will be able to answer the critics who wrongly accuse our institutions of not paying their fair share.

For our part, MANS&C will continue to invite key legislative leaders to our board meetings to share ideas with them and acquaint them with our institutions and our mission. As you can see from this newsletter, one recent guest was State Sen. Stephen Brewer, one of the legislature's most influential leaders and chairman of the Committee on Bills in the Third Reading.

We had hoped to hold the MANS&C annual Government Relations Meeting this fall but, due to scheduling problems, we have moved it to the spring. The meeting always features a top-level guest speaker and is a highlight of our year.

In closing, I would like to thank MANS&C members who sent letters to Gov. Romney, urging him to reject the amendment to House Bill 3637, and the members of the MANS&C board for their hard work through the year.

Please accept my best wishes for a happy holiday season and a healthy and prosperous new year.

Bruce T. Amsbary
President

Sen. Brewer Praises Nonprofit Schools and Colleges

Nonprofit schools and colleges are a tremendous resource in Massachusetts and play a crucial role in the state's economy, according to one of the legislature's most influential leaders, State Sen. Stephen Brewer.

The senator was a guest of the MANS&C executive board at a meeting Oct. 19 at Cushing Academy in Ashburnham. A Democrat from Barre, Brewer represents 29 towns in Central and Western Massachusetts and is chairman of the Senate Committee on Bills in the Third Reading.

Brewer talked about the importance of stem cell research to people with disabilities or Alzheimer's Disease and noted that humanitarian efforts also can have an important economic impact on our state. He said it is vital that the state remain competitive in this global economy.

"Massachusetts shouldn't take a back seat to anyone," he said. "We have the institutions here to invest in those programs but we're not matching the resources with the rhetoric."

Citing the state education commissioner's recent announcement that the passing level for MCAS exams would be rising, Brewer said, "You can't just throw students in the deep end of the

pool. We need to provide the resources. We have to make it happen. We have to invest in early childhood education."

"I passionately believe

cont. on page 4



Sen. Brewer



L to R, Bruce T. Amsbary, Sen. Brewer and James Tracy

Legislative Report

As the legislature's session draws to a close, MANS&C is pleased to report that lawmakers have failed to take action on a number of bills that would have had troublesome effects on our institutions.

The one exception – House Bill 3637 – was signed into law by Gov. Romney despite a vigorous effort by MANS&C legislative counsel John Spillane and a letter-writing campaign by MANS&C members.

This legislation amends Massachusetts General Law chapter 57, which exclusively regulates public schools and certain physical exams of public school students. The new law (chapter 333 of the Acts of 2006) stipulates that nonprofit schools must inform parents and guardians that the schools are not required to conduct certain physical exams unless the parents or guardians so request.

MANS&C urged the governor to delete this provision in the bill because it was placed in a chapter of the general laws that exclusively regulates public schools and it undermines the independence of nonprofit schools, which are not supported by tax dollars. Despite MANS&C's opposition, the governor did not delete this provision.

Another bill, Senate Bill 2531, has been sent to study in this session, effectively killing the bill. It will bear watching in the new legislative session, however. This bill strengthens the regulatory powers of local governments for municipal subdivision and planning and violates our members' rights under the Dover Amendment.

Under existing laws, municipalities, though their planning boards, review site plans generally, without approval or disapproval. This measure gives municipalities, through planning boards and boards of appeals, the authority to substantively approve or disapprove site plans and sets up an appeal process to give the decision-making process legitimacy. This would drastically violate Dover Amendment land-use exemptions for nonprofit schools and colleges.

Through Spillane's hard work, no action was taken on the following bills as the informal session drew to a close:

Senate Bill 168 – An Act to Promote Land Use Reform in Massachusetts

This bill would require our institutions to either obtain a special permit for new

construction of 7,500 square feet or more, or submit to local zoning requirements governing frontage, ingress and egress, drainage, landscaping and buffering, and traffic management. The bill also provides for mediation after filing a land-use appeal.

Senate Bill 777 – An Act Relative to Establishing a Campus Rape and Sexual Assault Prevention Advisory Council

This bill would set up Rape and Sexual Assault Prevention Advisory Councils on the campuses of public and nonprofit colleges and universities in Massachusetts to support campus organizations that work with rape and sexual assault victims.

Senate Bill 1162: An Act Relative to the Sale of Certain Tax-Exempt Property

Under this bill, local municipalities would be given the right of first refusal when a nonprofit organization considers selling some of its tax-exempt real estate. If the city or town agrees to buy the property at the asking price or at the highest bona fide offer, the organization would be required to sell it to the municipality.

House Bill 1220: An Act Relative to Home Schooling

House Bill 1258: An Act Relative to the Adams Scholarship Program

HB 1220 would allow students in private and parochial schools, as well as home-schooled students, to voluntarily take the Massachusetts Comprehensive Assessment System (MCAS) examinations and qualify for free tuition at public schools of higher education under the Adams Scholarship program. HB 1258 would allow students in nonprofit secondary schools to take the MCAS tests.

House Bill 1259, 1260 and 1261 relate to making students accountable for their actions or colleges liable for their students' actions

House Bill 1263: An Act Relative to Over Enrolling of Students in Institutions of Higher Education

HB 1259 would appoint a special commission to study the issue of making college students liable for their actions and behavior. HB 1260 would make students accountable for their actions while attending college. HB 1261 would make all private higher educational institutions liable for the actions of their students. HB 1263 would prohibit colleges from enrolling

more students than can be accommodated in dorms. It also would require institutions to pay a tax on each over-enrolled student and to pay for municipal responses to dormitories or student apartments if problems arise.

House Bill 1397: An Act Protecting the Public Health and Environment from Select Toxic Biological Agents

HB 1397 permits the siting of Boston University's new level 4 biomedical lab but would place major restrictions on the construction, renovation and expansion of other level 2, 3 and 4 biomedical laboratories in Massachusetts. It also increases scrutiny on level 2 and 3 laboratories.

Senate Bill 1735 and House Bill 3449 – An Act to Provide for the Public Inspection of Records Made or Received by Special State Police Officers at Educational Institutions and Hospitals

These bills would stipulate that all records, reports or other documentary materials or data collected by campus police are public records.

House Bill 1978: An Act Relative to School Buses and the Operation Thereof

HB 1978 would remove the special status granted to nonprofit schools and colleges and make sweeping changes to the law governing the use of 14-passenger school activity vehicles.

House Bills 2317, 2389 and 2416 all relate to the taxation of real property

HB 2317 would require nonprofit schools of higher learning to make payments to their communities equal to the amount they would have paid in property taxes. HB 2389 creates a complex formula for nonprofit schools and colleges to pay local property taxes. HB 2416 would give voters or city councils the right to decide whether voluntary payments are equitable.

House Bill 2567: An Act Relative to Cities and Towns and Tax-Exempt Properties

This bill would give local communities the right of first refusal when nonprofit schools and colleges want to sell their tax-exempt real estate or convert it to residential, commercial or industrial use. The bill also would apply to real estate that is no longer tax-exempt but had been within the last two years.

Sen. Brewer cont. from page 1

that whether you were born in Wellesley or Winchendon, you should have the same opportunities," he added.

Speaking before the November election, the senator noted that, if the Democrats take control of the US Congress, Massachusetts will have several congressmen in line for important committee posts.

"In this Congressional election, the stakes are enormous for Massachusetts," Brewer said.

Before beginning his speech, the senator presented MANS&C board member James Tracy with a State Senate citation congratulating him on his recent installation as headmaster of Cushing Academy and offering good wishes for his continued success.

THANK YOU!

The MANS&C executive board would like to thank Cushing Academy for sponsoring our recent meeting on their campus, and Wellesley College for playing host to our monthly meetings at the Wellesley College Club.

MANS&C Board Members

The summer newsletter inadvertently omitted the name of Edward M. King from the executive board listing. The officers and board members are:

Officers

Bruce T. Amsbary, President
Roberta B. Whiting, Vice President
Barry F. Monahan, Secretary
Julaine McInnis, Treasurer

Board Members

William J. Conley
Michael L. Feeley
Edward M. King
Deborah Martin
William F. Phinney
Maggie Striebel
James R. Tracy
Lee Wicks

AISNE representatives

Steve Clem
Carol Peterson

Good Neighbors Cushing Academy is a School with a Heart



Cushing students with a friend

At Cushing Academy, learning does not stop at the edges of its beautiful, rolling campus in Ashburnham. Community service is part of the students' education.

"Cushing sees community service not as an added-on, extraneous activity to our core mission, but as an integral facet of our commitment to educate our students to become humane and humanizing global citizens," according to Headmaster James Tracy.

Students involved with the Cushing Community Service Group have a full schedule of activities.

Student volunteers regularly visit an adult day care facility and joined a team from the facility to take part in a local Memory Walk to raise money for Alzheimer's research. At a Walk for Autism, they volunteered at booths, did face painting and handed out water to the walkers, among other things.

Cushing students also help perform maintenance on a nearby campground.

In addition, each year, the entire Cushing community celebrates Tony Fisher Day of Service to Others in memory of a Cushing alumnus, trustee and well-known philanthropist. In the past, they've spent the day working at local parks and playgrounds, volunteering at the Boston Marathon and helping in the offices and on the decks of the Intrepid Sea-Air-Space museum in New York.

Students rake faculty members' yards in return for donations to the Sterling Animal Shelter and sold bowls at a "make your own sundae station" on Parents Weekend to raise funds for the shelter.

They also take part in campus cleanups and help out with mailings in various offices at the school.

The students aren't the only members of the Cushing family that reach out to the community. The Cushing dining service staff contributes Thanksgiving turkeys to a local church and, at the end of each term, donates extra food to local food pantries.

The dining service also caters the town fire department's holiday party and collects toys for the Marine Corps Toys for Tots program.

MANS&C Meeting Schedule

The MANS&C executive board has scheduled the following meetings for the remaining academic year:

January 25
February 15
March 15
April 19 – Annual Meeting and election of officers
May 17
June 14

In addition, the MANS&C Government Relations Meeting will be held sometime in April or May.

Board meetings are held at the Wellesley College Club. If you would like to attend any meetings, please contact Bruce Amsbary at 781-235-9300, ext. 221 or b.amsbary@rivers.org.

How Does a Bill Become Law in Massachusetts?



For outsiders looking in, the legislative process in Massachusetts can seem like a maze. To better understand what happens on Beacon Hill, let's follow a bill as it makes its way through the legislature.

Lawmaking begins in the House or Senate clerk's office, where our bill, accompanied by a petition, is filed and recorded in a docket book. The clerks give the bill a number and assign it to an appropriate joint committee.

The legislature's 26 committees include both House and Senate members and focus on specific areas, including education, higher education, healthcare, transportation and so on.

Our bill's committee schedules a public hearing on it and the other bills it has been assigned, which gives the public an opportunity to speak out on them. MANS&C's veteran legislative counsel, John Spillane, regularly testifies before

committees on bills that would affect our schools and colleges.

Once the committee has heard all the testimony and reviewed our bill's merits, it issues a report on our bill. The report recommends how the full House or Senate should vote on it – "ought to pass," "ought not to pass" or "as changed." The report goes to the clerk's office.

Bills with favorable reports appear in the Journal of the House or Senate clerk, depending on which branch it has been reported to. This is said to be the "first reading" of our bill.

Next, favorably reported bills either go to another committee or are referred without debate to the Senate Committee on Ethics and Rules or the House Committee on Steering, Policy and Scheduling. Bills that relate to a city or town are automatically placed in the calendar, called the Orders of the Day, for a second reading.

After its second reading, our bill is open to debate, amendment and motions in the branch to which it has been sent. If it receives a favorable vote, it is sent to the Committee on Bills in the Third Reading. State Sen. Stephen Brewer, the chairman of this committee in the Senate, was a guest at the MANS&C board meeting in October.

The committee on Bills in the Third Reading in either branch examines the technical points in the bill, its legality and constitutionality and whether it duplicates existing law. The committee issues a report and sends the measure back to floor of the

House or Senate, as the case may be, for additional debate and, possibly, amendments. This is said to be the bill's third reading.

There, senators or representatives vote on "passing the bill to be engrossed." If approved, our bill is then sent to the other branch of the legislature, where the process is essentially repeated.

If the second branch amends our bill, it goes back to the original branch where action was first taken to see if members there approve of the changes that were made. If not, a conference committee hammers out a compromise and sends it back to both branches for approval on a yes or no vote with no debate.

If our bill is enacted it is sent to the governor, who may sign it into law, veto it or return it to the legislature with recommended changes. Both branches may act on the governor's change or take no action. If no action is taken, the bill dies.

The governor also may allow the bill to become law without his or her signature by holding it without taking action for 10 days while the legislature is in session. If the legislature is not in session, the bill dies if no action is taken within that time frame. This is called a pocket veto.

If our bill is signed by the governor or the legislature overrides his or her veto with a two-thirds recorded roll call vote, our bill becomes a law – usually in 90 days. If the House and the Senate vote an emergency preamble, the bill becomes law immediately.