

# MANS&C Quarterly

Massachusetts Association of Nonprofit Schools and Colleges

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[www.mansac.org](http://www.mansac.org)

Fall '05



## President's Letter

After four years in office and a long list of accomplishments, Debbie Martin stepped down as president of MANS&C at our Annual Meeting and Government Relations Luncheon in April.

It's the goal of every president to leave his or her organization in a better place on leaving office. Debbie did just that. Because of her hard work, MANS&C is a stronger organization and a more effective voice at the Statehouse. Our members have more access than ever to key lawmakers, and legislative leaders have a better grasp on our positions on important issues.

Here are a few of Debbie's many achievements during the last four years:

- ◆ Membership has grown by 25 percent.
- ◆ A total of 13 new members have come on board and all of them are still active.
- ◆ We've had a balanced budget every year, and association reserves grew to more than \$100,000.
- ◆ Dues have not increased during her tenure and will hold steady for next year – a rare accomplishment for any organization these days.
- ◆ The MANS&C Web site ([www.mansac.org](http://www.mansac.org)) has become a valuable resource for members.
- ◆ MANS&C Government Relations Luncheons were initiated to give our members a chance to get inside information from key legislative leaders.
- ◆ Legislators have been frequent guests at monthly board meetings, where they learn about the concerns of nonprofit schools and colleges and informally exchange ideas with MANS&C members.

Debbie accomplished this by good old-fashioned hard work. A consummate team player, she listened to what members had to say and never missed an opportunity to advance your cause, politely but firmly, with legislative leaders.

During her years as president, MANS&C helped turn away challenges to our members' tax-exempt status under the Dover Amendment, attempts to gain greater regulatory control over nonprofit schools and colleges, and proposals that threatened to have adverse financial affects on our institutions.

Despite these successes, our work is far from over. MANS&C and our experienced legislative counsel, John Spillane, will continue to be your watchdog at the Statehouse, guarding against proposed bills and regulations that would affect our institutions' rights, our financial well being and our ability to do business.

As your new MANS&C president, I will work closely with the board to continue to give you access to key legislators and inform you when action needs to be taken on important bills. In response to the call for voluntary payments in some of our communities, we also will continue to draw attention to the many social and economic contributions that nonprofit schools and colleges make to their local cities and towns.

You will see in the Legislative Report in this newsletter that a number of troubling bills are on the horizon in this new legislative session. House Docket 4249 and House Bill 1397 are two examples. We expect that many more will come to light in the next few weeks as bills are sent to committees for study.

Debbie will be a tough act to follow. But by working together, we will face the challenges ahead and remain a strong and effective proponent of nonprofit schools and colleges in Massachusetts.

I welcome your input as we move forward. If you have questions or concerns, please feel free to contact me at [conley@holycross.edu](mailto:conley@holycross.edu) or by phone at 508-793-3423.

## Murphy Urges MANS&C to Preserve the Dover Amendment

Nonprofit schools and colleges should work hard to protect the tax-exempt status granted to them by the Dover Amendment, according to State Rep. Kevin J. Murphy, chairman of the legislature's Higher Education Committee.



Speaking at the MANS&C Annual Meeting April 21, Murphy said, "I don't see any wholesale changes in the Dover Amendment coming in this session, but it's an issue that you should

take very seriously. You should work hard to keep the Dover Amendment the way it is now."

Murphy also urged nonprofit schools and colleges to start talking about what they do for their communities. Citing a charter school launched by Middlesex Community College in Lowell, Murphy noted that non-financial contributions often are more valuable to a community than voluntary payments.

A Democrat, Murphy is a former assistant city solicitor in Lowell and has been a member of the state House of Representatives since 1997. He served as House chairman of the Education Committee before becoming chairman of the newly formed Higher Education Committee this year.

Murphy noted that his committee deals mostly with public education, but

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# LEGISLATIVE REPORT

## New Bills Raise Concern for MANS&C Members

The past few months have been busy on Beacon Hill. Since the state legislature opened its new session in January, roughly 5,200 bills have been filed and a new state budget has been passed and signed – with some modifications – by the governor. Legislative hearings will grind to a halt during the summer and will resume at a slow pace in the fall.

MANS&C's legislative counsel, John Spillane, is currently examining the fine points of each bill and the details of the budget. The new budget increases scholarship funding \$84.7 million. A total of \$18.9 million will be available for matching scholarships to needy Massachusetts students attending nonprofit schools and colleges in the commonwealth.

Spillane has uncovered several measures that would have significant consequences for nonprofit schools and colleges in Massachusetts.

One new measure, **Senate Bill 168**, represents another serious attack on the Dover Amendment rights of nonprofit schools.

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.

MANS&C has helped to turn back several bills that threatened the Dover Amendment in recent years.

The Dover Amendment, which dates back to the 1950s, currently gives local planning boards only limited power to derail a building permit application from a nonprofit school, college or university. The law stipulates that buildings may be subject only to "reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements."

In other matters, the MANS&C Executive Board has stated its opposition to **House Bill 1258 and House Bill 1220**. The first, HB 1258, would allow that students in nonprofit secondary schools to 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 1220 would allow students in private and parochial schools, as well as home-schooled students, to voluntarily take the MCAS tests. The board has asked that the word "private" be removed from the bill so that it would apply only to parochial and home-schooled students.

The board's opposition is based on the belief that voluntary programs such as this could easily be made mandatory in the future. This would erode the rights and protections that have been historically granted to nonprofit schools and colleges in Massachusetts.

Another measure of concern, **Senate Bill 1162**, would give the local municipality 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.

Spillane testified against the bill at a May 25 hearing of the legislature's Committee on Municipalities and Regional Government. He argued that the measure would place an extraordinary burden on nonprofit schools and colleges by hampering their ability to obtain the best price for their property.

"Educational institutions should be able to negotiate any potential sale of their property in a private manner and with private partners without involvement of municipal interference," he told the committee.

MANS&C also is watching a number of other bills. Two concern the use of seatbelts on school buses. **House Bill 2132**, would require all school buses to have three-point lap and shoulder restraint seatbelts as of July 1, 2008. **House Bill 2196** stipulates that all school buses, regardless of size, be equipped with seatbelts.

Another measure, **House Bill 3956**, would require charitable organizations to file annual reports to the state with whatever "financial and other information" may be required.

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### *Murphy, continued from page 1*

also handles issues that touch nonprofit schools and colleges. He cautioned MANS&C members and guests to pay close attention to House Bill 1220, which would allow nonprofit schools or their individual students to voluntarily take the MCAS tests if they pay to do so (*see the Legislative Report*).

He also shared some legislative insights, noting that the new House Speaker, Rep. Sal DiMasi, has a different management style than his predecessor, Tom Finneran. Speaker DiMasi will have committees more involved in decision-making, Murphy believes.

MANS&C President Debbie Martin introduced Murphy as "a strong proponent of education."

The committee chairman is pushing for more spending on public higher education in the state budget. A recent report by the Senate Task Force on Public Higher Education stated that Massachusetts ranks 49<sup>th</sup> nationally in state spending on higher education per \$1,000 in state income and 47<sup>th</sup> nationally in state spending on public higher education per capita.

He comes from a family of educators: his parents were teachers, his brother is a school superintendent and his wife is assistant director of special education in Lowell.

Murphy graduated from Keith Academy in Lowell and Boston College, and received a Juris Doctor degree from Suffolk University Law School.

# Bills Pose Threat to College Laboratories

Two recently filed bills would place a new layer of burdensome and unnecessary state regulations on biomedical laboratories at the state's nonprofit colleges and universities and would block the proposed Biosafety Lab at the Boston University Medical Center.

The proposed regulations would have a negative effect on the whole range of life sciences laboratory education and research at nonprofit schools and colleges statewide, according to MANS&C's Legislative Counsel, John Spillane. They would be costly and could curb the amount of research, control the reporting of research and limit grant applications and awards, he said.

Spillane voiced MANS&C's opposition to the measures, **House Bill 1397 and House Docket 4249**, June 9 at a public hearing of the Joint Committee on the Environment, Natural Resources and Agriculture. The committee is currently considering redrafting HD 4249 as a result of testimony at the hearing, but the overall purpose and the level of scrutiny that the bill proposes are unlikely to change.

The bills would effectively block the

proposed Biotechnology Laboratory at Boston University, according to university officials. The National Institutes of Health has awarded \$128 million to the Boston University Medical Center to build a national laboratory to study emerging infectious diseases, whether they occur naturally or are introduced through bioterrorism.

Most of the facility will be Level 2 and 3 labs, with 13 percent of the building designated as a Level 4 Biosafety Lab. The Level 4 laboratory will develop drugs, vaccines and treatments for emerging infectious diseases. BU officials believe that the testing and research conducted at the Biosafety Lab will find cures and help save lives all over the world.

House Docket 4249 is based on the premise that "there are inadequate laws and regulations to protect laboratory workers, the community and environment from mistakes, accidents and intentional nefarious acts."

In his testimony, Spillane pointed out that five Level 4 laboratories are currently operating in North America and have a stellar safety record. In their 77 years of combined operations, toxic materials have

never been released into the community and there has never been an environmental incident.

This impressive safety record is due to the fact that Level 4 biosafety laboratories are built and operated at high safety standards, many of which are set at the federal level, Spillane told the committee. Redundant systems exist for every critical function, including High Efficiency Particulate Air (HEPA) filters, autoclaves, air, electrical and mechanical systems.

Spillane noted that more than 30 existing laws, regulations and procedures – adopted by a dozen federal, state and local authorities – govern all aspects of the BU laboratory. They cover siting, environmental issues, transportation, commissioning, and lab training and operation, among other things. (*See the accompanying box.*)

The proposed laboratory has already gone through an extensive siting and permitting process and has been the subject of more than 150 meetings and public hearings. It will exceed the stringent federal safety standards in its design and operations, according to BU officials.

## Do Laboratories Need More Regulations?

Biomedical laboratories in Massachusetts are regulated by the following agencies:

### Federal

- Council on Environmental Quality  
*Compliance with National Environmental Policy Act*
- Centers for Disease Control  
*Comprehensive set of regulations governing the possession and handling of biologic agents, biosafety procedures, and regular inspections*
- U.S. Department of Transportation  
*Hazardous materials shipping requirements, periodic inspections*
- Occupational Safety and Health Administration  
*Employee training and hazard communication, general employee safety including protective gloves, equipment, etc., complaint process, inspection authority*

- U.S. Environmental Protection Agency  
*Hazardous waste regulation and air quality permitting, inspection authority*
- National Institutes of Health  
*Guidelines for biosafety in laboratories, biosafety committee requirements*
- Nuclear Regulatory Commission  
*Radiation and x-ray oversight of state*
- Department of Public Health program

### State

- Massachusetts Environmental Policy Act Office  
*Compliance with Massachusetts Environmental Policy Act*
- Massachusetts Department of Public Health  
*Licensing for use of radiation sources and x-ray equipment, approval of laboratory waste disposal, annual inspections; storage and disposal of medical and biological waste*

- Massachusetts Department of Environmental Protection  
*Hazardous and solid waste, air quality and sewer discharge regulations, periodic inspection*
- Massachusetts Water Resources Authority  
*Waste water discharge permitting, routine inspection and sampling*

### Local

- Boston Public Health Commission  
*rDNA permit, oversight of biosafety committee, inspection authority*
- Boston Fire Department  
*Flammable material licensing, fire safety code, routine lab inspections*
- Boston Water and Sewer Commission  
*Sewer connection permits, oversight on water and wastewater plumbing code*
- Boston Redevelopment Authority  
*Siting process*
- Boston Zoning Commission  
*Siting process*

# GOOD NEIGHBORS

## Rivers School Philanthropy Program Creates Life-long Givers

Nonprofit schools and colleges in Massachusetts make significant and often very creative contributions that benefit the social life and economic health of their communities. Students volunteer with community service agencies, school and city officials work together on projects, and schools and colleges offer the use of their facilities to local groups.

At The Rivers School in Weston, students don't just raise money for charities, they're learning the fundamentals of charitable giving.

Working in partnership with the Natick-based Crossroads Community Foundation, members of the Rivers Givers student group carefully evaluate community service agencies as possible recipients of the money they raise. They also encourage students to start service projects and monitor the charities they select to see if their money is being well spent.

The students evaluate dozens of proposals, make site visits and discuss which programs are the most effective, which serve the most needy clients and how far to spread their giving. Once they make a decision, they submit their recommendations to the Crossroads distribution committee.

Crossroads trained the students in the grant-making process and is matching the money the students raise, three dollars for every dollar raised.

This year, Rivers Givers presented two checks for \$5,000 each to the GoodStart program, which fosters child safety and good parenting, and to the Mazie Foundation, which runs mentoring programs for disadvantaged high school students in Framingham.

With the 2005 gifts, Rivers Givers will have donated \$30,000 to causes that help youngsters in the western suburbs of Boston. Last year, they gave grants to an arts therapy program for children who have experienced the death of a parent or sibling and to a program for children with disabilities.

Rivers Givers was established in 2002 and raises money at the Rivers Holiday Basketball Tournament held each December. After the tournament, the students begin studying proposals from community service agencies.



“When I first began working with the Rivers Givers, I thought that giving money away would be easy,” said Rivers senior Kelsey Clark, one of the 13 members of this year’s group. “As I moved on in the process, though, it became a bit more complicated.”

Clark said the process “has shown me just how much need exists right now in front of my nose.”

“This program brings giving to a new level,” Rivers Community Service Director Jeannette Szretter explained. “It really creates life-long givers.”

### Food drive breaks record

At Rivers, which includes grades 6 through 12, students also serve their community in other ways.

◆ Last fall’s annual holiday food drive raised a record-breaking 2,500 items – enough to feed more than 50 local families. The donations were distributed by A Place to Turn food bank in Natick, the Hudson Food Pantry and the Weston Food Pantry in time for Thanksgiving.

◆ This spring, two Rivers seniors transformed the backyard of a school property into a community vegetable garden and are donating the produce to A Place to Turn. Middle School science classes will use the garden as part of their curriculum in the fall.

◆ The Rivers School Children’s Theater performed an original play for area preschoolers who might not otherwise have

the chance to see a live theater production. The shows are presented at no charge to the audiences.

◆ For their back-to-school orientation last August, members of the Junior class spent a day working at the Greater Boston Food Bank. On a hot, sticky day in late August, they sorted enough food to feed hundreds of hungry families in the Boston Area. The project not only helps needy people, it also brings the students closer together and helps develop class unity early in the year.

◆ Each student in grades 9 through 11 is required to complete at least 30 hours of service in the nonprofit sector before the end of his or her junior year. At least 20 hours must be completed off campus.

◆ Students in the Upper School are eligible to participate in the Afternoon Community Outreach Program in partnership with various educational and nonprofit organizations in the area.

The MANS&C Newsletter is starting a new feature that focuses on the far-reaching and often mutually beneficial impact our member institutions have on their local communities. To include the activities of your school or college, please send them to MANS&C’s communications specialist, Ann Hall, at [annhall68@comcast.net](mailto:annhall68@comcast.net).

# MANS&C Annual Meeting



*Rep. Kevin J. Murphy, left, guest speaker, talks with Debbie Martin and Bill Conley*



*Outgoing MANS&C President Debbie Martin and new president Bill Conley*

## Your Help is Needed

Please immediately contact your state legislators to oppose House Bill House Bill 1397 and House Docket 4249.

The regulations proposed in these bills pose a threat to life sciences laboratories and research at every nonprofit college and university in Massachusetts. The MANS&C executive board believes that if enacted, the regulations could very easily be extended to secondary schools in a future legislative session.

The bills have had a public hearing and will most likely be voted on in the coming weeks, so it is imperative that we act quickly.

For a list of your state legislators and their e-mail addresses, go to [www.mansac.org](http://www.mansac.org) and click on Representatives – MA and Senators – MA on the left side of the page. From each of those pages, click on Return to General Court Home Page to find a listing of senators and representatives by town.

Sample letters also can be found on [www.mansac.org](http://www.mansac.org)

## New MANS&C Officers

At the April 21 annual meeting, MANS&C members welcomed new officers and board members for the 2006-2006 year. They are:

**President, Bill Conley**  
**Vice President, Bobbi Whiting**  
**Treasurer, Julaine McInnis**  
**Secretary, Barry Monahan**

The following are members of the Board of Directors:

Bruce T. Amsbary  
Michael Feeley  
Edward M. King  
Debbie Martin  
Carol Peterson  
William Phinney  
Deborah A. Rosser  
Maggie Striebel  
Lee Wicks

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