

MANS&C

Massachusetts Association of Nonprofit Schools and Colleges

QUARTERLY

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WINTER 2008

PRESIDENT'S LETTER



MANS&C members throughout the Commonwealth lost a great friend and a tireless champion when John W. Spillane passed away on Christmas Day.

John served as MANS&C's legislative counsel for 25 eventful years. During that time, he worked to turn back countless bills that threatened to erode the independence that is the foundation of our institutions. John had the respect of legislators on both sides of the aisle because of his in-depth understanding of the issues our institutions face. He often served as an informational resource for them on complex matters involving the Dover Amendment.

John's importance to nonprofit schools and colleges in every part of Massachusetts was beyond measure.

At our January board meeting, we welcomed his successor as MANS&C's legislative counsel – his eldest son, John J. Spillane. He will be ably assisted by his brother, Michael Spillane. Both John and Michael work in the Worcester law firm that their father founded, Spillane and Spillane LLP.

John and Lt. Gov. Tim Murray were law associates before Lt. Gov. Murray's election and maintain a strong relationship. You'll recall that the lieutenant governor was the speaker at the MANS&C Government Relations luncheon last year.

With John's appointment, MANS&C's strong presence at the State House will continue without interruption. Both John and Michael understand our institutions' strengths and concerns and have excellent working relationships with key legislators and state officials from throughout the state, the lieutenant governor being foremost among them.

Those relationships will be important in the coming year in light of the very serious challenges facing nonprofit schools and colleges. The state has a \$3 billion budget deficit, and local communities are dealing with ever-growing budgets and dwindling funds. Increasingly, our cities and towns are turning to our institutions as potential sources of revenue.

MANS&C will continue to speak out on these issues in your behalf. With our new legislative counsel, I am confident that this organization's voice on Beacon Hill will continue to be strong and well-respected.

As always, if you have any questions, please give me a call or contact me by e-mail any time.

Bruce T. Amsbary
MANS&C President

Senate President to Address Government Relations Meeting

State Senate President Therese Murray will be the guest speaker on **Monday, May 12**, at MANS&C's annual Government Relations Meeting. The meeting will be held at the Hampshire House in Boston.



Senate President Therese Murray

This is a rare opportunity to meet one of the state's most influential political leaders and hear her thoughts on the challenges facing the state, as well as our schools and colleges.

Senator Murray is a Democrat in her eighth term as state senator of the Plymouth and Barnstable district. She represents her hometown of Plymouth, as well as Barnstable, Bourne, Falmouth, Kingston, Plympton and Sandwich.

In March 2007, Senator Murray became the first woman to be elected president of the senate in Massachusetts. Previously, she had served several terms as chair of the Senate Ways and Means Committee.

Some of her most notable legislative achievements include welfare reform, Chapter 70 education funding reform, the Catastrophic Illness to Children Relief Fund, Nicole's law and health care reform.

In her first address as Senate President, she emphasized her continuing focus on education, health care, affordable housing, as well as economic and workforce development.

Registration information will be sent to MANS&C members in the coming weeks.

Legislative Report

The legislature is currently considering a bill that would place severe restrictions on school buses and parents who drop off and pick up their children at school, according to MANS&C Legislative Counsel John J. Spillane.

Senate Bill 2451 aims to improve the air quality on public and private school campuses by restricting the time that school buses and private vehicles are allowed to idle within 100 feet of a public or private school. This includes the school's parking lots, athletic fields and playgrounds, driveways and public streets regardless of whether school is in session.

In addition to school buses, the restriction would apply to private vehicles driven by students, faculty, staff and visitors. The bill does not stipulate the amount of time a driver may idle an engine before the idling becomes "prolonged." It includes a \$100 fine for the first offense and \$500 for subsequent offenses.

The legislature's Committee on the Environment, Natural Resources and Agriculture recommended that the bill be passed and sent it to the Ways and Means Committee.

The following bills of concern to MANS&C are among more than 250 measures being tracked by Spillane:

- **House Bill 820 and Senate Bill 151**, which would eliminate the legal protections of the Dover Amendment for non-profit schools, colleges and universities by strengthening the review powers of local planning boards, allowing them to stop projects.
- **Senate Bill 214, now House Bill 4251**, relates to the reselling of tickets and controls point-of-origin sellers. The bill currently exempts non-profit institutions, but Spillane is concerned that the focus could shift back to include our institutions.
- **House No. 523**, allows students in private or parochial schools to take the MCAS exam.
- **House No. 589**, which requires private elementary and secondary schools to give parents written notice before ceasing operating or discontinuing any grade year. The notice must be given 100 days before the end of the current school year or by March 1, whichever comes earlier.
- **House No. 590**, which requires cities and towns to provide asthma screening clinics for public and certain private school students.

MANS&C Board Names New Legislative Counsel

John J. Spillane was unanimously approved by the MANS&C executive board on January 17 to become the organization's new legislative counsel. He will be following in the footsteps of his father, John W. Spillane, who served in that capacity for 25 years before passing away unexpectedly on Dec. 25.

Spillane will be assisted in his new position by his brother, Michael Spillane. Both are attorneys and members of the Worcester law firm that their father founded, Spillane and Spillane LLP.

Both John and Michael have worked closely with their father at the State House in recent years and had testified on behalf of MANS&C at legislative committee hearings and attended political events in their father's place. They also have been closely following bills of concern to nonprofit schools and colleges and have attended MANS&C executive board meetings.

"MANS&C was very near and dear to my father's heart. He was very concerned about PILOT programs, the Dover Amendment and any legislation that eroded your institutions' independence," John said. "We share those concerns, as well as his loyalty to MANS&C, and are pleased to continue his work."

Spillane received a B.A. from the College of the Holy Cross in 1989 and a J.D. from Suffolk University School of Law in 1993.

He is a member of the Governor's Seaport Advisory Council and has been active in a number of community organizations, includ-



New Legislative Counsel Meets with Board

Atty. John J. Spillane, left, MANS&C's new legislative counsel, meets with (left to right) MANS&C Secretary-Treasurer Barry F. Monahan and President Bruce T. Amsbary. At right is Atty. Michael Spillane, who will be working closely with John J. Spillane.

ing the Mohegan Council of the Boy Scouts, the Worcester Young Businessmen's Association and the Worcester Economic Club.

Spillane also is on the President's Advisory Committee of the Massachusetts College of Pharmacy and Allied Health Services and is a member of the College of the Holy Cross President's Council.

Good Neighbors

Shore Country Day School Stresses Community Service for All Students

At Shore Country Day School in Beverly, even the youngest students know the importance of community service.



In students of all ages, the school uses its Community Code to instill an awareness of the needs of the community and the importance of giving to others. By offering leadership opportunities outside the classroom, the school strives to make the students sensitive to the needs of others and aware of their own effectiveness and responsibility.

Starting in the lower grades, students learn the importance of giving back to the community by helping out within their classrooms and local communities.

By the end of fifth grade, each student will have spent a trimester as part of the Junior Senate, which chooses issues or organizations on which to focus. The Junior Senate has sent packages to soldiers in Iraq, is learning about homelessness and has raised funds for a preschool and daycare program for homeless children.

Another group of fifth graders has raised money for the Massachusetts Society for the Prevention of Cruelty to Animals and will visit the MSPCA's Nevins Farm in Methuen this spring to learn more about helping abandoned animals. Fifth graders also handle the paper recycling collection in the lower school.

Working together, the Junior and Upper School Senates conducted a school-wide drive to benefit the Salvation Army.

In the Upper School, sixth graders handle the recycling and seventh graders spend a spring day at a local farm.

Eighth graders volunteer five afternoons during the school year at local organizations, including the Beverly Historical Society, Beverly Bootstraps Community Services, the Essex Shipbuilding Museum, the Food Project, North Shore ARC and the Ocean View Senior Center.

Ninth graders are considered school leaders who assist with Shore events. Each ninth grader also completes 10 hours of community service within his or her local community. Students have worked with a wide range of organizations, from animal shelters to food pantries. The ninth grade class also sends postcards to Beverly Hospital patients during the holidays.

Nonprofit schools and colleges in Massachusetts make significant and often 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, to name a few.

To include the activities of your school or college in this column, please send them to the MANS&C communications specialist, Ann Hall, at annhall68@comcast.net.

Nonprofits under Fire in Minnesota

The Minnesota Supreme Court ruled recently that unless organizations provide services for free or a substantially reduced rate as a "substantial part of their operations," they are not exempt from paying property taxes in the state.

The ruling essentially creates a new definition of nonprofit organizations in Minnesota, according to a December, 2007 article in *The Nonprofit Quarterly*. The new definition is based on whether an organization makes a profit, rather than on the organization's stated charitable purpose.

In Minnesota, as in Massachusetts, nonprofit educational institutions are coming under increased scrutiny by local communities looking for new sources of revenue. Businesses and homeowners chafing under their tax rates also are accusing nonprofits of not paying their fair share.

To be designated a nonprofit in Massachusetts, organizations must meet certain requirements relating to their purpose and organizational structure. With some exceptions, the property they own is generally tax-exempt and free from local zoning control.

The article urges nonprofits to educate local officials, the courts and the public about the importance of property tax-exemption

for nonprofits. The public also should be educated about the importance of profitability for nonprofit organizations.

To read the entire article, go to <http://www.nonprofitquarterly.org/content/view/257/30/>.

Upcoming Meetings



The MANS&C executive board has scheduled the following meetings for the coming months:

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| March 27 | Wellesley College Club |
| April 17 | Wellesley College Club |
| May 12 | Annual Government Relations Meeting, Hampshire House, Boston |

No date has been set yet for the Annual Meeting, which will include the election of officers and board members.

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