

# MANS&C

QUARTERLY

Massachusetts Association of Nonprofit Schools and Colleges

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e-newsletter

SUMMER 2009

## PRESIDENTS' LETTER



Welcome to our first Summer e-Newsletter – an electronic version of the MANS&C Quarterly Newsletter that's easy to access, whether you're in the office, at home or on vacation.

Throughout the spring and summer, MANS&C has been closely following events on Beacon Hill that affect nonprofit schools and colleges. The Legislative Report in this newsletter lists several bills of interest, including an all-too familiar measure that would force us to pay the equivalent of property taxes to our communities.

As the economic crisis continues, further attempts will be made by the state and our local communities to draw revenue from our institutions. In Boston, for example, Mayor Thomas Menino recently asked Boston College to forego a tax exemption for the planned conversion of an apartment building into a dormitory.

We also have some good news to report. MANS&C was part of a team of nonprofit organizations that worked for the passage of the new Nonprofit Sustainability Act. The act, a much-needed update of UMIFA, provides our institutions with more flexibility in managing and using our financial donations.

Print editions of the newsletter will resume in the fall. With each edition, we will continue to bring you the latest news affecting our institutions, as well as helpful tools and the insights of the state's top political leaders. It's just one of the many benefits of MANS&C membership.

Enjoy the rest of the summer!

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## Legislative Report

MANS&C is following a wide range of troublesome bills that have been filed since the new legislative session opened in January.

The state's continuing budget crisis prompted the return of one bill that MANS&C had helped sidetrack during the last session. Like its predecessor, House Bill 2759 would require private schools to make payments to their communities equal to what they would have paid in property taxes.



John J. Spillane

MANS&C Legislative Counsel John J. Spillane testified against the bill in May before the Revenue Committee, saying, "Tax-exempt status is vital to carrying out the purpose of our educational missions," he said.

Other **House bills** that MANS&C is following include:

**HB 111** – Requires public and private K-12 schools to sterilize all wind instruments given to students except for newly purchased instruments in their original packaging. Compliance and enforcement will be through the State Department of Public Health.

**HB 428 and HB 524** – Define bullying and direct local school boards to create comprehensive policies prohibiting harassment, intimidation or bullying.

**HB 508** – Requires schools to notify parents in writing when a serious, felony-level incident occurs at school or on the way to school.

**HB 528** – Requires asthma screening in all public schools and at the request of parents in private schools.

**HB 1246** – States that students are incapable of providing consent to sexual relations with employees of public and private schools or college.

**HB 1433** – Requires teachers and school employees, regardless of employment status, to undergo national and state criminal history background checks in order to be licensed or certified.

**HB 2077** – Permits students with life-threatening allergies to possess and self-administer epinephrine.

**HB 2094** – Establishes strict standards for environmental air quality.

Legislative Report cont. on page 2

**HB 2220** – Requires all dormitories, fraternity and sorority houses to be equipped with hard-wired smoke detectors in common hallways.

**HB 2221** – Requires all dormitories, fraternity and sorority houses to be equipped with automatic sprinklers.

**HB 2289** – If requested by a principal or headmaster, police reports must be provided to schools when a student is charged with, admits to or is convicted of a felony.

**HB 2301** – Requires lap-shoulder seatbelts in school buses. (Similar to Senate Bill 957).

**HB 3681** – Requires that textbooks and all other source-related material must be made available in both Braille and electronic versions to legally blind students who request them.

**HB 3307** – Prohibits school bus operators from using electronic communication while driving, except in emergencies.

### Senate bills

**SB 976** – Requires all school departments to install and operate live, digital video monitoring systems on school buses.

**SB 1421** – Allows public inspection of all records made or received by special state police officers at educational institutions and hospitals.

The full text of all these bills is available at <http://www.mass.gov/legis/legis.htm> under Current Legislation.

## UPMIFA Passage is Victory for MANS&C and Nonprofits

Nonprofit schools and colleges will have greater flexibility in managing their endowments under a bill passed by the legislature and signed into law recently by Gov. Deval Patrick.

The measure, known as the Uniform Prudent Management of Institutional Funds Act (UPMIFA), was championed by the Massachusetts Audubon Society and a number of nonprofit organizations, including MANS&C.

“This law offers some welcome relief for institutions that are faced with cutting programs or eliminating staff in these challenging economic times,” MANS&C Co-President Bruce T. Amsbary said. “It provides us with more latitude to maintain the high quality that is the hallmark of our schools and colleges. The Audubon Society is to be commended for its efforts in achieving its passage.”

The new law replaces the Uniform Management of Institutional Funds Act (UMIFA), which was enacted in 1975. It provides much stronger guidance for investment management and more exact rules for prudent investing, based on the experience gained over the last 35 years in states that adopted UMIFA.

Under UMIFA, nonprofits could spend only 7 percent of their endowments' appreciated value in any one year. Principal could be spent only with the donor's approval.

UPMIFA, also known as the Nonprofit Sustainability Act, recognizes donor intent more broadly. It permits organizations to dip into their endowment's core assets if certain stringent conditions are met.

The new law also allows nonprofit organizations to delegate the management and investment of charitable funds to external agents.

To read the full text of the Nonprofit Sustainability Act, go to <http://www.mass.gov/legis/laws/seslaw09/index.htm>.

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