



# MANS&C

The Massachusetts Association of Nonprofit Schools and Colleges



PRESIDENT'S LETTER

## Strength in MANS&C Numbers

As our annual membership drive gets underway, there has never been a more critical time to join forces with your colleagues at MANS&C.

Pressure continues to mount on nonprofit schools, colleges and universities to begin making voluntary payments to their communities – or increase them if payments are currently being made.

A front-page Boston Globe article on Oct. 27 noted that most colleges in the city with tax-exempt property of more than \$15 million have failed to pay the full amount this year that the city requested for municipal services. Nonprofit institutions in Boston had been asked to contribute 25 percent of the property taxes they would owe if they were not tax-exempt.

Communities throughout Massachusetts are taking similar approaches in requesting payments from their local nonprofit institutions. You can be certain that they are closely watching the developments in Boston.

In the current legislative session, MANS&C stopped a bill that would have required such payments by nonprofit schools, colleges and universities throughout Massachusetts. When the new session opens in January this bill is likely to resurface, along with other new measures that will threaten our independence and economic security.

MANS&C members benefit from the expertise of our legislative counsel, John J. Spillane. John has an admirable record of turning back bills that would have unintended consequences to our members.

MANS&C also provides members with guidance in creating Community Impact Statements, which lawmakers have told us is the single most important tool we have in discussions with community officials, neighbors and state legislators. Members also receive emails about the latest developments at the Statehouse.

There is strength in numbers. The support of our members has enabled MANS&C to successfully represent the interests of nonprofit schools, colleges and universities for more than 60 years.

If you have not already renewed your membership or signed up as a new member, I urge you to do so today. Please feel free to contact me or any of the board members if you have questions or need assistance in any way.

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LEGISLATIVE REPORT

## MANS&C Continues to Monitor Bills as Session Winds Down

Public school athletic coaches will be required to have current certification in cardiopulmonary resuscitation, under a new law signed on Oct. 31 by Gov. Deval Patrick.

Similar bills had applied to both public and nonprofit schools, but the bill that was enacted excludes nonprofit schools.

The measure was one of many bills being closely followed by MANS&C Legislative Counsel John J. Spillane in the current legislative session.

As the session winds down, Spillane continues to pay close attention to several other bills that are still in play. They include:

**HB 2582 – An Act Relative to Tax-Exempt Property.** Gives local government the right of first refusal when a nonprofit institution wants to convert tax-exempt property to residential, industrial or commercial use. The community would have 120 days to decide whether to match the offer.

**SB 1869 – An Act Relative to the Architectural Access Board.** Requires that the board adopt regulations to ensure that buildings, and surrounding parking lots, walkways, roads and so on, that are open to the public must be readily accessible to people with disabilities in line with the Americans with Disabilities Act Standards for Accessible Design.

Other bills that currently apply only to public schools also are being followed due to their potential impact on our nonprofit institutions. They include:

**HB 1983 – An Act Relative to Physician Assistants and Interscholastic Athletic Head Injuries.** Mandates that physician assistants be included in the interscholastic athletic head injury safety training program.

**HB 4011 – An Act Relative to the Dismissal of Teachers.** Protects public school officials from civil lawsuits or any consequences when, at the request of the school district, they provide the reasons why a teacher was dismissed.

**HB 4132 – An Act Decriminalizing Nonviolent and Verbal Student Behavior.** Exempts public elementary school students from being charged as delinquents in certain situations for conduct occurring on school grounds or during school events.

### Circle these Dates

Meetings of the MANS&C board will be held on the following dates:

**Feb. 12, 2015**

**April 16, 2015**

The meetings will be held from noon to 2 p.m. at locations to be determined.

To attend, contact Julaine McInnis at [jmcinnis@inlyschool.org](mailto:jmcinnis@inlyschool.org) or 781-545-5544 x-115.

## Colleges Sue Over Denial of Tax Credits

Boston University, Wellesley College and Northeastern University are suing the state Department of Revenue, claiming they were illegally denied Brownfields tax credits worth millions of dollars.

The Brownfields program issues tax credits to property owners who perform environmental clean ups on commercial

and industrial property that had been contaminated by previous owners.

The law was amended in 2006 to allow nonprofits to claim the credits, which they then can sell to companies or individuals that will use them to reduce their tax burden.

According to an article in the Boston Globe, BU applied for \$4.4 million in tax credits for cleaning up an area along Commonwealth Avenue and Wellesley

requested \$6.25 million for improvements along Lake Waban. Northeastern filed for \$6.4 million in credits for work done in developing the western side of the campus.

The applications included expenses incurred before the law was changed in 2006, the Globe said. The colleges' complaint noted that a number of other nonprofits had successfully claimed the credit for work done in that same period.

## Legislative ALERT: Bill Expands Concussion Prevention Rules to Nonprofit Schools

A newly revised bill poised for action at the Statehouse would include nonprofit elementary and second schools in the effort to prevent student concussions. The bill is similar to a law currently on the books that applies to public schools.

The measure, House Bill 2463, was released from committee in recent days and was likely to quickly pass both the House and Senate as the current legislative session winds to a close, according to MANS&C Legislative Counsel John J. Spillane.

The bill stipulates that all private elementary and secondary schools within Massachusetts must develop an interscholastic athletic head injury safety program approved by the state Department of Public Health.

Participation in the program is required of all coaches, trainers, parent volunteers for any extracurricular athletic activity, school athletic directors and directors of school marching bands. Also required to participate are doctors and nurses who are either employed by the school or who volunteer to assist with an extracurricular athletic activity.

The program must include current training in recognizing the symptoms of head injuries, as well as concussions and injuries related to second-impact syndrome.

Annually, students that participate in extracurricular athletics or marching band must be provided with information regarding the medical protocol for participation in those activities after a concussion. They also must be given written information about head injury symptoms, and the biology and consequences of concussions.

Students would be required to submit forms at the start of the academic year that detail their head-injury history. The forms must be developed by the schools.

If a student becomes unconscious during a practice or competition, he or she would not be allowed to continue in that particular activity, or any other extracurricular athletic activity, without written authorization from a trainer or health care professional. This also applies to students who are diagnosed or suspected to have a concussion.

The bill also prohibits coaches, trainers and volunteers from encouraging or permitting a student to take part in any “unreasonably dangerous athletic technique” that unnecessarily endangers a student’s health.

The bill states that it would not create any liability for a course of legal action against a school district, its officers or employees. Volunteers would not be liable for civil damages unless they are willfully negligent.

If passed and signed by the governor, the measure would go into effect August 1, 2016.

For the full text of the bill, go to <https://malegislature.gov/Bills/188/House/H4563>

## New Faces on Beacon Hill

Five new Senators will be sworn in on Beacon Hill on January 7 as a result of the November election.

Three will be replacing some of the Senate’s most influential leaders. Senate President Therese Murray, a Democrat, declined to run for re-election and is being succeeded by newcomer Vinny deMacedo, a Republican from Plymouth. DeMacedo has served in the House since 1999.

Sen. Stephen M. Brewer, a Democrat from Barre, will be replaced by veteran lawmaker Anne Gobi of Spencer, a House member since 2001. Sen. Brewer, who did not run for re-election, served as chair of the powerful House Ways and Means Committee.

Former Representative Ryan Fattman, a Webster Republican, will be replacing Sen. Richard T. Moore, a Democrat from Uxbridge who served as Senate President Pro Tem.

Former State Rep. Barbara L’Italien of Andover, a Democrat, will succeed Sen. Barry Finegold. Eric Lesser, a Democrat from Longmeadow, will replace Sen. Gale Candaras. Lesser was formerly director of strategic planning for the White House Council of Economic Advisors.

Once the new legislators are sworn in, committee chairmen will be chosen.

## EXECUTIVE BOARD MEMBERS 2014-15

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