



MANS&C

The Massachusetts Association of Nonprofit Schools and Colleges



A Letter from the President

What happens on Beacon Hill in the next two years will have an effect on nonprofit schools, colleges and universities in Massachusetts for many years to come.

Since the current legislative session began its new two-year term on January 2, lawmakers have filed more than 5,000 new bills. Many of them, although well-meaning, would have unintended consequences for MANS&C members.

MANS&C Legislative Counsel John J. Spillane is currently reviewing the bills to determine which ones will affect our institutions.

One bill has already made headlines: On March 6, Gov. Charlie Baker filed legislation that would allow the state to monitor nonprofit colleges and universities that are in danger of closing due to financial difficulties and dwindling enrollment. An article in this newsletter will give you more information about this measure, which MANS&C will be closely tracking.

MANS&C also is always on the lookout for bills that threaten the Dover Amendment, a law that strictly limits the involvement of local planning boards in our building projects. Dover Amendment bills seem to return with every new session, as do bills taxing endowments and requiring nonprofit schools, colleges and universities to make payments in lieu of taxes.

To help you keep abreast of the action in the new session, this newsletter has useful articles explaining the legislative process, trends in bills and much more. You'll also find information about how John goes about representing the interests of MANS&C members on Beacon Hill.

MANS&C is here to serve our members. If you have any questions or concerns, feel free to contact me – or any of our board members – at any time.

Best Regards,
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State Seeks to Monitor Financial Health of Nonprofit Colleges and Universities

Massachusetts Gov. Charlie Baker has filed legislation authorizing the state Board of Higher Education to monitor colleges and universities that are in danger of closing due to financial challenges.

In addition to providing the state with financial information, the institutions would have to submit a contingency plan with provisions for advance notice to students and staff, and arrangements for students to complete their studies elsewhere should the college or university close.

Institutions that do not comply with the board's information requests or requirements would face unspecified sanctions under the proposed legislation.

According to a statement from the governor's office, the information submitted by the colleges and universities

would be exempt from the state's public records law.

The bill is intended to lessen the risk of disruptive, sudden closures, such as what occurred last spring when Mt. Ida College announced it would cease operation. Since then, Wheelock College has merged with Boston University, Newbury College announced its closing and Hampshire College is searching for a merger partner due to financial strain and the dwindling number of college-age students.

The governor noted that Massachusetts nonprofit colleges provide "great educations" and play important roles as business drivers and major employers. Although its primary purpose is to protect students, Baker said, "Our legislation will strengthen this crucial component of our economy."

AN OVERVIEW

MANS&C on Beacon Hill

MANS&C members and guests got an insider's look at the new Massachusetts legislative session recently from the organization's veteran legislative counsel, John J. Spillane.

Speaking at a board-sponsored informational meeting at Chapel Hill-Chauncy Hall School, Spillane also outlined his work at the Statehouse, advocating for the interests of Massachusetts nonprofit schools, colleges and universities.

"Even the best-intentioned bills may have serious financial implications or erode the historic independence of our institutions," Spillane said. "I represent the interests of MANS&C members and keep them informed about issues of

concern on Beacon Hill. Legislators also look to me as a resource to help them understand the effects these bills will have on our institutions – and on our communities."

The articles in this newsletter will give you an idea of how the legislature works, the trends in bills that Spillane sees and what he does at the Statehouse to represent the interests of MANS&C members.

You'll also find information about new regulations approved recently by the state Board of Higher Education regarding financial oversight of nonprofit colleges and universities.

What MANS&C Does on Beacon Hill

For many years, MANS&C Legislative Counsel John J. Spillane has had unparalleled success in stopping bills that would negatively affect Massachusetts nonprofit schools, colleges and universities.

He is either at the Statehouse or in close contact with legislators on a daily basis, and even spends time with them in their district visits.

Spillane tracks and follows all bills and last-minute amendments that affect MANS&C members. He monitors and attends committee hearings, prepares opposition testimony on bills of concern, confers with legislators and observes legislative sessions from the gallery.

He also keeps track of bills that apply only to public schools, because they can easily be changed to include nonprofit institutions.

Spillane works closely with AICUM and other trade organizations to develop a strategic approach to stopping bills of concern.

He also maintains a good working relationship with the executive branch of government and is in regular contact with reporters working for the Statehouse News.



John J. Spillane, left, confers with a legislator

How the Legislature Works

In the 191st session of the legislature, which began on January 2, the 180-member House includes 127 Democrats and 32 Republicans; the Senate has 40 members, including 34 Democrats and 6 Republicans. The two-year session will conclude on December 31, 2020.

Spillane expects 5,000 to 5,500 bills will be filed. Generally, speaking, legislators file bills:

- › In response to a problem in a district
- › Based on legislation in other states, policy issues, studies or white papers

Once filed, the bills are assigned to committees. After studying the issues and implications of the bills, as well as getting input at public hearings, committees either report out the bills as "ought to pass" or "ought not to pass," or they may be put to study or discharged to other committees.

Both the House and Senate must pass a bill and agree on the final language before it is sent to the Governor for signing. If the Governor

vetoes a bill, the veto can be overridden by two-thirds votes in the House and Senate.

Each legislative session runs for two years and includes formal and informal sessions. Formal sessions run from January through the end of July and deal with bills that have been vetted by committees. The informal sessions run from August through December 31. Bills may still be voted on in the informal session but require unanimous approval to pass.

Discussions on the state budget begin in the spring, with March and April being the busiest time. This year's budget will cover Fiscal Year 2020. Both the House and Senate create and vote on budgets, which then go to a Conference Committee to iron out the differences between the two versions.

John closely monitors the lengthy and complex budget process every year because of the financial implications the state budget may have for nonprofit education, and also because failed bills may be tacked onto the budget as last-minute amendments.

Trends in Bills Affecting MANS&C Members

Even if they are turned aside in one session, bills often return in the following years, filed by determined legislators who are unwilling to give up on them. MANS&C Legislative Counsel John J. Spillane has noted the following historic trends in bills that would affect independent schools and colleges:

- › **Zoning**, often involving changes to the Dover Amendment. These bills are a major concern for MANS&C, and John will be watching for any measures that cede authority to local communities.
- › **Taxation of Nonprofit Schools, Colleges and Universities**, including efforts to tax property, operating income and endowments, or defining what institutions should be taxed based on officer salaries. Bills also may seek to establish percentages on what is deemed taxable, including taxation of short-term rentals of school facilities.
- › **990s**, including bills that seek greater transparency on what is disclosed on them.
- › **PILOT Programs**, empowering local communities to require nonprofit institutions to make payments in lieu of taxes. Other bills may give communities the right of first refusal when our institutions sell property in certain situations.
- › **Safety in Schools**, including numerous bills affecting school buses, such as seat belts, embarking and disembarking, motor vehicle conduct regarding school buses, and bus driver conduct and certification.
- › **Student Health**, involving concussion prevention, head injuries, allergy response, vision and dental screening, and the prevention of tobacco use.
- › **Prevention of Violence in Schools**, defining when violence occurs and the action and response, security measures, student data privacy, sexual assault prevention and CORI issues.
- › **ADA Compliance**, usually directed at the Architectural Access Board, which is charged with making facilities accessible to people with disabilities.

New Senate President Announces Priorities

Adequately funding public education is at the top of list of new Senate President Karen E. Spilka's legislative priorities. Speaking at the start of the new legislative session, the Ashland Democrat noted that the Senate had successfully advocated for a record investment in education funding this past year.

"But," Spilka added, "we must do more."

She also listed a number of other priorities for the Senate, including:

- › Re-envisioning the commuter rail system as a Rapid Regional Rail system
- › Creating neighborhoods where people can afford to live, work and raise a family
- › Reforming the juvenile and criminal justice system
- › Creating an economic development and tax framework where innovative technology-driven businesses can develop and thrive
- › Ending the stigma surrounding mental illness
- › Slowing the rise of prescription drug prices and increasing transparency for the consumer
- › Working with businesses and scientists on clean energy technologies

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