



Mr. Healy

The Commonwealth of Massachusetts

MEMORANDUM

January 7, 1981

TO: Local Government Officials

FROM: Gregory R. Anrig
Commissioner of Education *Gregory R. Anrig*

L. Joyce Hampers
Commissioner of Revenue *L. Joyce Hampers*

RE: Proposition 2½ (Chapter 580) and Fiscal Autonomy of
School Committees

We have received many inquiries about Section 7 of "Proposition 2½" (Chapter 580 of the Acts of 1980) which took effect on December 4, 1980. That provision amends General Laws, Chapter 71, Section 34, the statute that historically has granted "fiscal autonomy" to school committees. The amendment deletes the previous enforcement provision of G.L., c.71, s.34, which allowed ten or more taxable inhabitants of a community, or the Mayor, or the Attorney General, to bring suit against a city or town for failing to include in the annual budget appropriation "the amount necessary in such city or town for the support of the public schools". As amended, G.L., c.71, s.34 now reads as follows:

Every city and town shall annually provide an amount of money sufficient for the support of the public schools as required by this chapter, provided however, that no city or town shall be required to provide more money for the support of the public schools than is appropriated by vote of the legislative body of the city or town.

The statute as amended gives the municipal legislative body the authority to determine the total appropriation, or "bottom line", of the public school budget, which may differ from the school committee's estimate of its total budget needs. However, the amendment does not allow the municipal legislative body to limit or transfer specific appropriation items within the school budget. Under Chapter 71 of the General Laws and decisions of the Supreme Judicial Court (in particular, Leonard v. School Committee of Springfield, 241 Mass. 325, 135 N.E. 459 (1922)), the school committee retains its powers and duties to operate and manage the public schools by determining how the appropriated budget is to be spent.

/kal

cc: Mayors
Selectmen
Town and City Managers
School Superintendents
School Committee Chairpersons
Assessors
Accountants and Auditors



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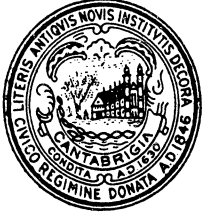
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RECEIVED

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OFFICE OF THE
CITY MANAGER



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

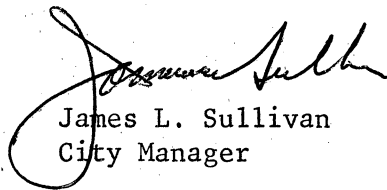
EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

January 12, 1981

To the Honorable, the City Council:

I transmit herewith a copy of a memorandum from the Department of Education, Commonwealth of Massachusetts, relative to the effect of Proposition 2½ on the fiscal autonomy of School Committees.

Very truly yours,


James L. Sullivan
City Manager

JLS/mbf
Enc.

Agenda # 3

5-34

Comm. from the State Department of Education
relative to the effect of Proposition 2½
on the fiscal autonomy of School Committees.

In City Council,

January 12, 1981

1/12/1981

Placed on File -