



CITY OF CAMBRIDGE

AMERICA'S MOST WALKABLE CITY

Office of the Mayor | Henrietta Davis

Memorandum

To: City Council

From: Mayor Henrietta Davis

RE: FY14 School Budget

Date: May 17, 2013

I want to acknowledge my colleagues on the Council for their continued commitment to Cambridge schools. The education of our children in Cambridge and providing all kids with an opportunity to excel and succeed is extremely important and for many of us (if not all) our number one priority.

Nonetheless, it's important to remain mindful of the separation of powers between the School Committee and the City Council (for more on this topic see the attached letter from the Mass. Association of School Committees).

Specifically related to the letter dated 5/16/13: I can't speak for a School Committee that hasn't been elected yet, but as the FY15 CPSD budget process begins in the fall, I'm sure the School Committee and the Superintendent will certainly consider the concerns of the City Council.

The Superintendent has already begun to address many of the issues the Council has raised – some of these materials have been transmitted to you already – and he has expressed a willingness to continue the dialogue.

As you know I have scheduled a City Council/School Committee Roundtable to tackle some of the issues raised and I look forward to continuing to find appropriate avenues to work collaboratively moving forward.

-HD

Cc: School Committee; Robert Healy, City Manager; Rich Rossi, Deputy City Manager; Louis DePasquale, City Treasurer; Donna Lopez, City Clerk



Massachusetts Association of School Committees, Inc.

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Mary Jo Rossetti, President
Glenn Koocher, Executive Director

May 17, 2013

Hon. Henrietta Davis
Mayor
City Hall
795 Massachusetts Avenue
Cambridge, MA 02140

Mayor Davis:

You have asked the Massachusetts Association of School Committees for guidance on the authority of the municipal appropriating authority, the City Council, over management of the schools and the administrative of the budget.

This question is posed to me frequently as many city councils, town councils and select boards and town meetings often take interest in school district affairs. Within the law, however, this interest is generally limited to raising questions, engaging in discussions, and giving final approval to a final appropriation for the school district as recommended by the School Committee. In some cases, the municipal charter can provide additional guidance, especially regarding oversight of public facilities that are used by both the schools and community, including athletic fields.

With specific attention to your question, I refer you to MGL Chapter 71, Section 34 which is most instructive. The underlining highlights are mine.

“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. In acting on appropriations for educational costs, the city or town appropriating body shall vote on the total amount of the appropriations requested and shall not allocate appropriations among accounts or place any restriction on such appropriations.”

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"The superintendent of schools in any city or town may address the local appropriating authority prior to any action on the school budget as recommended by the school committee notwithstanding his place of residence. The city or town appropriating body may make nonbinding monetary recommendations to increase or decrease certain items allocating such appropriations.

The vote of the legislative body of a city or town shall establish the total appropriation for the support of the public schools, but may not limit the authority of the school committee to determine expenditures within the total appropriation."

First, the City Council may act upon the budget request of the School Committee and, in fact, reduce it, provided it does not lower the appropriation below the level of approved "net school spending." New School Spending is a technical term to ensure that a base level of funding is ensured.

Second, the City Council may make recommendations about how the funding is to be allocated or spent, but these are non-binding and are hortatory in nature.

Third, the City Council may not limit the authority or the ability of the school committee to define its budget other than to approve the appropriated figure.

Being a publicly elected body, the City Council is free to debate and discuss whatever it wants. Thus, the City Council could hold public discussions on matters over which it has limited, restricted, or no authority at all. State law establishes the municipal government of most cities with a chief executive (City Manager or Mayor) and legislatures, usually comprised of at least two bodies, one for public education (School Committee) and the other for other municipal policymaking responsibilities with other powers as is set in the charter and with the responsibility to act as the municipal appropriating authority with the ability to approve (and, within limits, reduce) the budget proposed by the School Committee. Of course, there are other municipal functions that involve the public schools that require action by the City Council or City Manager, but they do not address the specific management, oversight and discrete policy making of the public schools.

Hon. Henrietta Davis

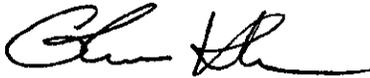
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Throughout the state, School Committees engage their city councils, select boards, town councils and town meetings. Frequently the discussions represent intrusions into those areas under the authority of the superintendent of schools or School Committee. Examples we have addressed here at MASC include matters of personnel management (i.e., terminations, reassignments, employment decisions), creation or elimination of academic programs (i.e., curriculum changes, sports, or extracurricular activities), and even policymaking. While these intrusions may be technically inappropriate, they are not necessarily violations of law. Our members often tread a cautious path in order to provide information or receive advice from those who do not have the authority to substitute their judgment from that of the School Committee but who, as members of the community, want to have a say.

Please let me know if I can be of further assistance.

Yours truly,

A handwritten signature in black ink, appearing to read "Glenn S. Koocher". The signature is fluid and cursive, with a long horizontal stroke at the end.

Glenn S. Koocher
Executive Director