

MANS&C

QUARTERLY

Massachusetts Association of Nonprofit Schools and Colleges

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FALL 2009



PRESIDENTS' LETTER

As you can see in this issue's Legislative Report, a large number of bills currently under discussion at the State House are cause for serious concern by our members.

Several of them would erase our longstanding

Dover Amendment protections and open the door to increased regulation by local communities. One would require our institutions to pay their communities an amount "equal to the sum of property taxes" they would otherwise have paid. Another measure would tax institutions with large endowments.

All of these bills have appeared in past sessions and were turned back, due largely to the work of MANS&C's very capable legislative counsel and our members. And yet they return in one form or another, year after year.

Clearly, on Beacon Hill and in our communities the historic independence and vital role of nonprofit schools and colleges are misunderstood. Lawmakers need to be constantly reminded of the contributions we make to our communities and the negative effects these bills would have if they were passed.

Our institutions do not have the power of eminent domain and collectively, we contribute billions of dollars annually to the state and local economy. We provide scholarships to local students, thereby relieving the pressure on local school systems. Our institutions are thought leaders and innovators that attract business to our communities and provide creative solutions to local problems.

There is no better time than now to tally up the contributions we make and present them to local leaders, state legislators, community organizations and anyone else who will listen. For tips on how to assemble a community impact statement, go to the MANS&C Web site, www.mansac.org. Most of us have the information we need at our fingertips.

For our part, MANS&C will continue to represent your interests on Beacon Hill and will alert you when your help is needed to stop troublesome bills. We also will provide information and support when problems arise on the local level.

There is strength in numbers. By joining MANS&C or renewing your membership, you will be helping to ensure that our voice is heard by state and local decision-makers. We'd be happy to answer any questions you may have about membership, our low dues structure or how MANS&C can benefit your institution.

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John J. Spillane

Legislative Report: Attacks on Dover Amendment Continue on Beacon Hill

MANS&C Legislative Counsel John J. Spillane has been following a number of bills on Beacon Hill that would have negative effects on our members. At a recent committee hearing, he testified against two measures that directly attack

the historic independence that the Dover Amendment provides to our institutions.

The Dover Amendment protects nonprofit schools and colleges from discriminatory zoning bylaws and ordinances passed by local communities. It stipulates that new construction or remodeling projects may be subject only to appropriate and reasonable standards based upon height, front, rear and sideline setback requirements with reasonable accommodations for parking.

Senate Bill 97, sponsored by State Sen. Marc R. Pacheco, expands the regulatory reach of communities by adding a number of new categories to that list, including access and egress, lighting, drainage, landscaping, buffering and open space and "similar matters."

The measure also would require nonprofit schools and colleges to apply for a special permit and possibly go through a site plan review process. In Massachusetts, site plan reviews may not be appealed.

In his testimony before the Joint Committee on Community Development and Small Business, Spillane noted that the bill "violates our members' vital interests to build out their campuses."

A second measure of concern, **House Bill 4226**, aims at limiting the spread of social service agencies in cities and towns, including nonprofit schools and colleges. The bill expands the zoning power of communities over land owned or leased by nonprofit agencies when five percent of the total town area falls into the category of "charitable nonprofit use."

State Rep. Pam Richardson is the sponsor of the measure, which addresses issues of concern in her community of Framingham involving wet shelters.

Spillane testified that the bill would strip away important protections of the Dover Amendment for nonprofit schools and colleges and would doubtless lead to litigation. He pointed out that local communities rely on eminent domain when public institutions need to expand, but that nonprofit schools and colleges have no such

capability. They rely on the Dover Amendment instead.

Some speakers at the hearing complained about the lack of tax income from nonprofit agencies and the cost of providing them with town services.

MANS&C also is closely following these **House and Senate bills**:

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 – Defines bullying and directs 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 public school teachers and employees, regardless of employment status, to undergo national and state criminal history background checks in order to be licensed or certified. Although the bill applies only to public schools, MANS&C is tracking it for possible future implications for nonprofit schools.

HB 2051 – Places new restrictions on biological research laboratories.

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

HB 2094 – Establishes strict standards for environmental air quality.

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 – States that, 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 2759 – Requires “private schools of higher learning” to pay their communities an amount equal to what they would have paid in property taxes. The measure opens the door to payments in lieu of taxes by the institutions.

HB 2870 – Drops the requirement that any nonprofit holding a charitable raffle or bazaar must pay a 5 percent tax on their gross proceeds.

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.

HB 3955 – Proposes a 2.5 percent tax on private college endowments of more than \$1 billion.

Senate bills

SB 957 – Requires lap and shoulder seat belts in all school buses.

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.

What is the Dover Amendment?

The Dover Amendment dates back to 1950, when the legislature voted to prohibit towns from passing zoning ordinances or bylaws that regulate or restrict the use of land or structures for religious or educational purposes.

Legislators feared that towns might be more likely to place restrictions on religious groups or schools they were biased against. The law was intended to prevent that from happening.

Through the years, additional modifications were made to the law, which takes its name from a 1951 court case involving the town of Dover.

Today, the Dover Amendment gives local planning boards only limited power to derail a building permit application from a nonprofit school, college or university. The law stipulates that buildings may be subject to “reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.”

Under the current law, churches and schools do not need the approval of local review boards for their construction plans. Even though it is not required, however, some schools have voluntarily agreed to requests for local review for the sake of good community relations.

MANS&C Dues Remain Level for Coming Year

MANS&C's membership drive is currently under way. Renewal notices have been sent to members, and downloadable membership forms are conveniently located on the MANS&C Web site, www.mansac.org, under Membership.

Schools and colleges that join MANS&C or renew their membership for 2010 will pay the same low rate they did in the previous year, according to the executive board.

MANS&C members receive timely information about important issues and bills of concern to nonprofit schools and colleges in Massachusetts. Members' interests are represented at the State House by the organization's legislative counsel, John J. Spillane.

In recent months, MANS&C was part of an effort that won passage of the new Nonprofit Sustainability Act, which provides nonprofit schools and colleges with greater flexibility in managing their endowments. MANS&C also has an enviable record in stopping bills that threaten our institutions' independence and would add to their financial burden.

MANS&C members also benefit from:

- The opportunity to talk with influential legislators and elected officials at events that are free to members.



With a history that goes back more than 175 years, Chapel Hill-Chauncy Hall offers small classes and a strong college preparatory curriculum, in addition to arts, athletics and other exciting opportunities for personal growth. The school is located on a beautiful 37-acre suburban campus in Waltham. CH-CH has an enrollment of approximately 165 students in grades 9 through 12. Visit www.chch.org to learn more about CH-CH.

Good Neighbors

Community Service Spirit Grows at Chapel Hill-Chauncy Hall School

Chapel Hill-Chauncy Hall School in Waltham has always reached out to the community, but starting last year, community service has become part of the school's culture.

The school has created a new senior-level graduation requirement – the Charger Points Program – that focuses on leadership, cultural enrichment and service. In addition, a new charter for campus clubs requires some sort of affiliation with community groups.

The school also sets aside campus-wide community service days, with shortened or cancelled classes, in the fall and spring.

“At Chapel Hill-Chauncy Hall, we consider it our responsibility to teach students that there is work that reaches beyond the classroom, beyond pen and paper, and into the community,” Dean of Students Jeffrey Martin said. “It’s tremendously rewarding for us and provides a valuable service to the community.”

In order to meet the new service requirement, Chapel Hill-Chauncy Hall seniors must volunteer a certain number of hours during the year.

The students keep track of their own hours, according to Senior Class Dean Christopher Chesley, but some students last year got so involved with their projects and accumulated so many hours of service that they simply stopped counting. One girl, he learned later, had spent five or six hours every weekend volunteering at her synagogue youth center.

The seniors take part in a variety of projects. Last year they worked at the Sacred Heart food pantry, the Waltham Council for Senior Citizens and the Greater Waltham ARC program. They also helped with the track and field program at the Perkins School for the Blind and, at the Waltham Fields Community Farm, they pitched in with the farm work and even removed some troublesome concrete footings.

Several times a year, the senior class also makes quilts to donate to the Boston University Children’s Hospital as a special gift for babies and children who are having surgery and other procedures.

In addition, clubs and organizations are actively involved in various community activities throughout the year. The school’s Korean Drumming Club, for example, visits local schools and students work with children in the Waltham public schools.

“We want to establish that community service is part of your education,” Chesley said. “The thinking was that the students would be doing something they enjoy and that community service will become a tradition for them. Our goal is to put the school mission into action.”

Community service is good for the individual spirit, school spirit and the community, school officials believe.

“We believe it is our responsibility as a school to educate our students in the great works of literature, in simple and complex math and in the arts, but we also have a certain responsibility to give back to our community and to teach students what it means to be a citizen,” Martin said. “These are things you might not find in the curriculum in other schools. At Chapel Hill-Chauncy Hall, they are part of the curriculum. We are willing to make sacrifices in class time because these are things we value.”

“Knowing you have done something to benefit the community is good for the individual spirit and for our spirit as a school,” he said. “And what better way is there for the Greater Waltham community to get to know more about us?”

“I firmly believe this is something that schools need to do,” Martin continued. “I’m happy to be part of a school that values what we have and what we can give to the community.”

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MANS&C dues cont. from page 2

- The chance to meet their local state legislators and acquaint them with their school or college. Last May, members did this at another free event – MANS&C Day at the Statehouse.
- MANS&C Quarterly newsletters and the Web site, www.man-sac.org, which deliver timely information on bills and issues, useful tips and articles on how member institutions are serving their communities.

- E-mail alerts on troublesome bills that require immediate action.
- Guidance on how to create a Community Impact Statement that details their institution’s economic and social contributions to the community.

For more information about membership renewal or joining MANS&C, contact Bruce T. Amsbary at bamsbary@rivers.org, 339-686-2221, or Julaine McInnis at jmcinnis@walnuthillarts.org, 508-650-5015.

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