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Town of Middleborough

Massachusetts

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Town Manager

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TOWN MANAGER'S REPORT
FEBRUARY 13, 2012

Attached please find correspondence from the office of the Town Manager for your review. Thank you.

Charles J. Cristello
Town Manager

From Rep. O'Rourke

February 8, 2012

His Excellency Deval Patrick, Governor of the Commonwealth
The Honorable Therese Murray, President of the Senate
The Honorable Robert A. DeLeo, Speaker of the House

RE: Recommendation for Mandate Funding; \$11.3 Million to cover transportation of certain homeless students

Dear Mr. Governor, Mr. Speaker, and Madame President:

In response to petitions from Chairman Theodore Speliotis and Representative Thomas M. Stanley, State Auditor Suzanne Bump determined that the State Plan to implement the federal McKinney-Vento Act relating to educational opportunities for homeless students imposes unfunded state mandates on local cities and towns. The federal act provides that a homeless student living in temporary housing in a "host community" outside of the city or town where the family lived prior to becoming homeless (the community of origin) may choose to remain enrolled in the community of origin schools. Most significantly, the State Plan requires school systems throughout Massachusetts to continually fund school transportation and school services for some homeless students after they relocate to other communities. This requirement is in contrast to the general rule whereby school districts are not responsible for students who move outside of district boundaries. Because the State McKinney-Vento Plan is a voluntary agreement between the Commonwealth and the federal government, Auditor Bump determined that the requirements are unfunded state mandates subject to the Local Mandate Law, M.G.L. c. 29, §27C.

Under the Local Mandate Law, state laws or rules that impose new costs upon cities, towns, and school districts must either be fully funded by the Commonwealth, or subject to local acceptance. Danvers and Waltham each documented two-year costs to transport homeless students to and from schools of origin exceeding \$200,000. In Waltham's case, the city is funding transportation costs for 12% of the state's homeless even though only 1% of the homeless population lives in the city.

Data supplied by the State Department of Elementary and Secondary Education (DESE) indicates that the fiscal 2011 impact of this transportation mandate on local governments statewide approached \$10.4 million. Because local participation in the State McKinney-Vento Plan is mandatory and not subject to

local acceptance, Auditor Bump concluded that the State should be obligated to fund the related school and transportation costs. To do otherwise would be unfair to the more than 200 cities and towns adversely affected by the state's adoption of the federal act.

Therefore we, the undersigned, write to request that the Legislature and the Governor provide funding of \$11.3 million in a supplemental budget appropriation to cover the mandated cost for FY2012, as well as ongoing reimbursements in future budgets. For backup information please refer to the report and documents emailed to each member of the House and Senate by the Auditor earlier this week.

We appreciate your consideration on this important matter, and look forward to working with you to remedy this issue.

Sincerely,

Rep. Thomas Stanley
Ninth Middlesex

cc: The Honorable Stephen Brewer, Chair, Senate Committee on Ways and Means
The Honorable Brian S. Dempsey, Chair, House Committee on Ways and Means