



**Massachusetts Association of School Committees, Inc.**

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Stephen J. Finnegan, Legislative Counsel

**VIA REGULAR MAIL AND FACSIMILE**

Dr. Marguerite C. Rizzi  
Superintendent of Stoughton Public Schools  
232 Pearl Street  
Stoughton, MA 02072

January 11, 2011

**RE: SCHOOL BUDGET PRESENTATION TO THE TOWN MEETING**

Dear Dr. Rizzi:

I am in receipt of your request, on behalf of the Stoughton School Committee, for an opinion regarding whether the budget as voted by the School Committee must be presented to the Stoughton Town meeting. It is my opinion, for the reasons below stated, that the school budget as voted by the School Committee must be presented to the Town Meeting.

Section 7 of c. 580 of the Acts of 1980 (Proposition 2½) amended G.L.c. 71, §34, the statute which historically granted fiscal authority to school committees, by limiting the amount of money required to be appropriated for public schools to the amount voted upon by the local appropriating authority, the town meeting in Stoughton. *Massachusetts Teachers Association v. Secretary of the Commonwealth (1981)*, 424 N.E. 2nd 469, 384 Mass. 209. However, the school committee budget has a status different from that of any town department. The legislature has vested in the school committee the power to "review and approve budgets for public education," pursuant to G.L.c. 71, §37. This legislative grant of budgetary authority to the school committee is further underscored by the provision of Section 34 which states, in part, as follows: "[i]n 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 said appropriations." Section 34 grants to school committees the sole authority to determine the manner in which the appropriation voted by town meeting is expended. *School Committee of Wilmington v. Town Accountant of*

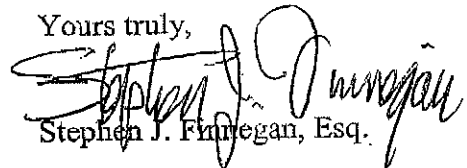
*Wilmington (1985) 473 N.E. 2nd 1146, 19 Mass.App.Ct. 964.* Indeed, the immediately above referenced statute states clearly that “[t]he vote of the legislative body of the city or town shall establish the total appropriation for the support of the public schools, but may not limit the authority of the school committee to determine expenditures within the total appropriation.” Also, it is my opinion that when the town meeting acts on the school budget it must have the budget requested by the school committee acting under Section 37 included in the report of the finance committee.

The Department of Revenue (DOR) was asked in 1989 whether it is appropriate to exclude the budget of the school department from the town warrant. DOR noted that as a general rule it is the finance committee which is obliged to submit the municipal budget to town meeting, which is normally carried out by means of a finance committee report (G.L.c. 41, §60). Therefore, the school committee’s requested budget to be presented to the town meeting would be through it’s inclusion in the finance committee report. The DOR opinion No. 89-187 after it clarified the technical issue above referenced states, in relevant part, as follows: “The question then arises whether the school committee’s requested budget must be included in that report. It is our view that it must.”

Based upon the plain meaning of G.L.c. 71, §34 & §37, it is my opinion that the budget requested by the school committee must be included in the budget submission to the Stoughton Town Meeting, that statutorily may also include a recommendation concerning the school budget.

If you have any further questions please do not hesitate to contact me.

Yours truly,



Stephen J. Finnegan, Esq.

Cc: Glenn Koocher