

Massachusetts FY 2025 Budget is Approved

On Thursday, July 18, the Budget Conference Committee released its FY25 budget proposal, which was passed by both chambers the following day. On Monday, July 29, Governor Healey signed the FY25 state budget that includes the following.

Within Chapter 70 state aid, the Conference Committee has adopted the House \$104 per pupil minimum amount, rather than the Senate's higher \$110 per pupil amount.

Both chambers funded another year of school meals; the Conference Committee budget uses the Senate's lesser \$170M to fund this program for this coming year; this does not represent full reimbursement to districts.

The special education circuit breaker was adopted for FY25 at an amount higher than both chambers, at \$493M. Charter tuition reimbursement (\$199M), regional transporta-

tion reimbursement (\$99.5M), and homeless transportation reimbursement (\$26.7M) were the same in both chambers and were adopted at those levels. The Conference Committee did fund non-residential vocational transportation at the \$1M adopted in the Senate budget.

The rural school assistance funding was passed as a compromise between House and Senate at \$16M, \$1M higher than last year. METCO is funded in the conference committee budget at \$29.9M. While the Conference Committee budget funded after and out-of-school grants at \$11.5M, Governor Healey vetoed \$3M, bringing it back to her recommendation of \$8.6M, with the veto message "increased funding in this budget for local school aid will mitigate impacts from this reduction."

Also subject to Gubernatorial vetoes was the \$250,000 for financial lit-

eracy education; \$1.3M for advanced placement math and science, bringing that to just over \$2M; \$875,000 for statewide college and career readiness; \$2.4M in extended learning time grants; \$300,000 in mentoring grants; \$2M in student wellness school supports; and \$7.5M for the teacher diversity initiative, bringing that to \$2.5M.

Free school meals; the minimum per pupil increase of \$74 over the required \$30; a mental and behavioral health grant of \$5M; as well as several higher education efforts and further transportation spending are funded through Fair Share funds in the FY25 budget.

The early literacy initiative proposed by the Governor is funded at a compromise number of \$20M.

The Senate declined to take up the House's override vetoes, and, as such, the vetoes will stand.



Patricia "Pat" Correira: 1941-2024

IN MEMORIAM

It is with great sadness that MASC notes the passing on July 20 of our dear friend and colleague Patricia "Pat" Correira.

Pat joined the MASC staff in 1996 as the Field Director for school districts west of Worcester. In this role, she guided school committees through policy and school leadership challenges, superintendent searches, and strategic planning and goal setting. She made a point of unraveling the nuances of school committee roles and responsibilities with patience, humor, and common sense, all the while respecting differing perspectives and encouraging new and reticent members to speak out. Twenty-three years and thousands of miles on her car later, Pat retired from MASC in 2019 but remained a cherished alum and member of the family, whose continued presence at the MASC booth at the conference drew colleagues, past and present, to share stories and updates with her.

Pat's career with the Association began over a decade prior to her joining the MASC staff. A 12-year member of the Springfield School Committee, she was a tireless and passionate advocate for students and citizens of the community. During her tenure she served twice as the vice chair, led every subcommittee, chaired a



Title IX Update: Policy Implications and Other Issues

Over the past few months, MASC staff and Association legal counsel have been working on issues around the new Title IX regulations and the implications for school district policy. The policies listed below have been added or updated, and will be posted to the Updated/New Policies page on the MASC website and the Online Policy Reference Manual will be updated.

In addition, MASC legal counsel Patrick Francomano, Esq., has prepared a Legal Update on the new regulations, which includes an overview of the impact of the regulations on school policy and procedure, as well as a list of references to the regulations and an insightful compendium of anticipated questions that school committees may have. Other observations follow.

It is important to remind districts that while the new regulations provide greater flexibility in addressing sex-based discrimination, the revised drafts may default to the original language, allowing the district to maintain the status quo or affirmatively adopt the alternative approach. The following are three examples where the original language has been retained subject to the district taking additional action:

- Step 9 of the Title IX Grievance Procedure retains language allowing the parties to pose direct written questions to each other. This is no longer required under the new regulations and many districts have found it understandably cumbersome and problematic. Some districts might believe however that the practice better serves their goal of due process. Districts may certainly opt to remove Step 9 after discussion of its appropriateness for their district.
- Under the new Title IX regulations districts are now empowered to utilize a single investigator model, however Step 7 of the Title IX Grievance Procedure retains the original language and requires the district to amend the Grievance Procedure appropriately to use the single investigator model. Some districts may find the single

investigator model more efficient given their size and staffing levels while others may be concerned about the potential impact on due process. It is up to each district to determine what best fits its needs.

- The new regulations remove previously prescribed time periods and instead require that the district “establish reasonably prompt timeframes for the major stages of the grievance procedures.” Rather than leaving the time periods blank the original times remain but the district is now able to adjust these times to better match the district’s capacity in consultation with its Title IX Coordinator.

Impact of *Kansas et al v. United States Dept. of Educ. et al.*

Districts should be aware that a Judge in the U. S. District Court for the District of Kansas has entered orders that impact a growing number of MA schools. Under the Kansas Judge’s order, the USDE/OCR is prohibited from implementing or enforcing any of the new regulations against any school with a student who is the minor child of a Moms for Liberty member. Essentially that means that USDE/OCR cannot take action against any of those schools for failing to do what the new regulations require. However, the school is still required to comply with MA law, as well as its own policies and regulations, all of which generally prohibit the very types of discrimination that have been incorporated into the 2024 Title IX regulations. Districts which are impacted by *Kansas et al. v. United States Dept. of Educ. et al.*, should be in contact with their District counsel to determine the appropriate strategy for their specific district.

MASC looks forward to hearing your input as you adapt these materials to your individual needs. Do not hesitate to contact us with questions, comments, or observations.

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First Circuit Affirms Decision Dismissing Free Speech Retaliation Claim by Teacher

The following advisory was prepared by the law firm of Valerio, Dominello & Hillman, LLC

On June 28, 2024, the United States Court of Appeals for the First Circuit issued a decision in MacRae v. Matos, No. 23-1817, affirming a District Court’s grant of summary judgment in favor of the defendants, Hanover Public Schools (the “District”) and two District administrators who were alleged to have retaliated against a teacher for exercising her First Amendment rights.

In September of 2021, the District employed Kari MacRae (“MacRae”), a resident of Bourne, as a teacher. Prior to her employment with the District, MacRae liked, shared, posted, or reposted six controversial memes regarding various issues about racism and diversity to her personal TikTok account at different points in 2021, including as recently as May 2021 when she was elected to the Bourne

School Committee. These posts were brought to the District’s attention and, following an investigation, the District terminated MacRae on the basis that her continued employment would have a negative impact on student learning in light of her social media posts. Thereafter, in November of 2021, MacRae

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Past Presidents' Scholarship 2024 Announced

The MASC Past Presidents Council has selected two winners for the 2024 Past Presidents Scholarship award. Congratulations go to **Nadav Fuxman**, a 2024 graduate of Natick High School and **Corin Clougherty**, a graduate of Carver High School.

Fuxman, who will attend Northeastern University College of Engineering in the fall, has distinguished himself in his school and local community for his academic and athletic achievements, but above all for his commitment to service and volunteer efforts to help students and others in need. A co-captain of the Natick Tennis Team, Fuxman made it a priority to encourage and support all levels of players and create a community on the team. Two years ago, he was instrumental in recruiting team members to join with him in a local program coaching young children with

autism in tennis and helping to develop their social and language skills. In addition, he volunteers in a number of programs that help families with food insecurity, children with special needs, and initiatives that address climate and environmental issues. At Northeastern, his goal is to focus on current and future challenges in fuel efficiency, with the hope of designing cars and planes that can lessen the impact on climate concerns. He also intends to minor in business with the goal of making fuel efficient vehicles more widely accessible, especially for those for whom these vehicles have traditionally been priced out-of-reach.

Corin Clougherty, valedictorian of her class at Carver Middle High School, will attend the University of Edinburgh, Scotland this fall. She has been an academic and team leader,

serving as Student Advisory Representative, and volunteering as a tutor and mentor in the school community, and in regional initiatives through her twelve years as member of the Carver

Girl Scouts. She has used her leadership role to promote equality of opportunity for all students, and has advocated directly to the MA State Board

of Education for increased mental health services and supports for students. Most recently, she authored a pamphlet on how schools can help students improve their mental health and well-being and encourage her peers to make mental health/well-being a priority and is determined to continue to advocate for these issues in her college career.

Congratulations to both of them.



MASC NEWS

ARTIFICIAL INTELLIGENCE AND POLICYMAKING

MASC has been receiving questions regarding a policy addressing artificial intelligence (AI). The use of artificial intelligence in schools by staff or by students encompasses a wide range of topics already covered by existing district policies. Use of AI for the creation of materials falls under procedures most often found in student and employee handbooks regarding plagiarism and citation of sources; the use of artificial intelligence, due to its model, conflicts with principles of intellectual property as embodied in policies outlined in district policy regarding standards of scholarship. The bias within materials developed by artificial intelligence may conflict with the anti-discrimination policies and policies regarding instructional materials. The use of artificial intelligence by students with disabilities is governed by Individual Education Plans developed for each student in need of one. The significant envi-

ronmental impact of AI may violate goals, strategic plan priorities, and policies regarding green schools, climate change, and environmental impact. Additionally, the technology is evolving at a rapid pace that may require multiple rewrites of policies that are too specific.

In light of the many areas already covered within district policy, MASC will not be creating or distributing an individual policy specifically on artificial intelligence at this time. MASC instead suggests Committees review related policies to ensure the language within them provides for the complications and overlaps within this issue in a way that is in line with policies already in place and values already held. If a district wishes to develop their own policies, we advise taking the approach of crafting an overall statement of intent and deferring the specifics to the appropriate administrators.

DEIB INITIATIVE ANNOUNCED

At the Summer Institute last month, the MASC Board of Directors announced a newly launched DEIB (Diversity/Equity/Inclusion/Belonging)

initiative which they hope school committee members will participate in.

The project will be facilitated by Dr. Darnisa Amante-Jackson, who presented a riveting Keynote session on transformative relationships for driving equity at the 2023 MASC/MASS Conference. The aim of the program is to train 35 participating school committee members to be DEIB ambassadors with their colleagues and in their communities. The curriculum is based on research Dr. Amante-Jackson has conducted and collaborated on with other MA education leaders. The project has the strong support of the Governor, Education Secretary Patrick Tutwiler and DESE Interim Commissioner Russell Johnston.

Dr. Jackson and an eight-member MASC steering committee are currently developing the parameters of the project and defining the needs and goals. Later this fall, members will be invited to join steering committee members for DEIB communications and implementation training.

Free Speech Case

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filed a lawsuit against the District and two District administrators asserting a single claim of retaliation under 42 U.S.C. § 1983 for allegedly retaliating against her for exercising her First Amendment rights. The defendants filed a motion for summary judgment, arguing that when applying the First Amendment retaliation framework for claims brought by public employees against their government employers, the defendants' interest in preventing disruption to the learning environment outweighed MacRae's First Amendment interest. The District Court granted the motion and MacRae appealed.

Generally, a claim that a government employer has retaliated against its employees for exercising First Amendment rights is assessed under the framework established by the Supreme Court in *Garcetti v. Ceballos*. Under the applicable three-part test, the court will consider: (1) whether the employee spoke as a citizen on a matter of public concern; (2) whether the government entity was justified in treating the employee differently from any other member of the general public, when balancing the interests of the employee against the interest of the employer; and (3) whether the employee's protected speech was a substantial or motivating factor in the adverse employment action.

On appeal, MacRae claimed that her retaliation claim should not be analyzed under the *Garcetti* framework. Rather, she asserted the court should apply the framework for claims brought by private individuals against government entities. The court disagreed, explaining that the allegations at issue directly involved a government employer terminating its public employee for their speech, thus falling squarely into the *Garcetti* framework. Although the speech at issue occurred prior to MacRae's employment with the District, the relatively short period of time between her posts and the start of her employment counseled in favor of

applying the *Garcetti* framework. Accordingly, the court concluded that application of the *Garcetti* framework was proper.

Because for purposes of summary judgment the parties agreed that MacRae had satisfied steps (1) and (3) of the test, the court focused on step (2). MacRae argued that the Hanover defendants' interests did not outweigh her First Amendment interest. Specifically, she asserted that the District's mere prediction of disruption was insufficient to outweigh her interest in engaging in political speech and that the defendant's prediction of disruption was unreasonable. The court disagreed. It reasoned that an employer need not show actual disruption/adverse effect under the *Garcetti*/Pickering test, but rather the potential to disrupt which must be based on a "reasonable" prediction in light of the facts. The court ruled that the defendants' prediction of disruption in Hanover was "eminently reasonable". It noted that MacRae's TikTok posts in Bourne became the subject of substantial media coverage and that the Bourne schools became "embroiled" in controversy over those posts, which among other things had circulated in the schools and had, upset staff and students. The court held that the defendants could reasonably predict similar disruption in Hanover based on the Bourne events, enhanced by her more "student-facing" role in Hanover and the circulation of her posts in the Hanover schools resulting in the defendants' concern about the impact on their LGBTQ+ students. The court noted that even MacRae conceded that some of her posts could be seen by those students as derogatory.

Finding nothing in the record showing that the defendants had acted based on their personal dislike or disapproval of the posts, as opposed to their concern that students taught by MacRae would not feel safe or comfortable learning from her, the Court concluded that the defendants had adequate justification for treating MacRae differently from any other member of the general public.

Thus, the court affirmed the District Court's grant of summary judgment.

The decision in *MacRae v. Mattos* is important because it illuminates the circumstances in which school officials may reasonably predict disruption of the school environment based on an employee's social media posts, even where those posts have been made before the individual actually becomes employed by the school district.

These cases are intensely fact-specific and school officials who are concerned by the social media activities of an employee or prospective employee are wise to consult with counsel before taking action. This update is provided for informational purposes only and should not be considered legal advice.

Title IX Update

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Policies added and/or updated:

- AC Non-Discrimination Policy including Harassment and Retaliation
- AC-R Non-Discrimination Policy including Harassment and Retaliation
- ACA Non-Discrimination on the Basis of Sex
- ACA-R Non-Discrimination on the Basis of Sex Under Title IX Including Sex-Based Harassment
- ACAB Sexual and Sex-Based Harassment and Retaliation
- ACGA Civil Rights Grievance Procedure
- ACGB Title IX Sexual Discrimination Grievance Procedure

Please remember that MASC materials are not intended as legal advice and should be used in consultation with your local school district counsel.

MASC acknowledges the contribution of Nuttall, MacAvoy & Joyce, P.C. in the development of the 2 grievance procedures originally published in 2022, which have been retained as part of MASC's 2024 revised grievance procedures.

Student Absences on Religious Holidays

The following article was prepared by Mehak Sankhla, a rising sophomore at North Andover High School. Her advisory to school districts is based on a project she has been working on around student absences on religious holidays. It is her hope that districts will adopt a policy in their towns that help all students receive an excused absence and extension for assignments if they celebrate a religious holiday.

America is known for its many different cultures, ethnic groups, and citizens. Some of the popular religious US holidays (Easter, Yom Kippur, Christmas, and Good Friday) are celebrated by many Americans living in the USA. On these festive days, the students receive an excused absence, no homework assignments, and occasionally even no school. As a result, students celebrating these holidays are able to enjoy time with their friends and family. There are many other religious holidays, however, that are not on a calendar for delayed homework assignments or excused absences, such as, but not limited to Diwali, Eid, and Lunar New Year. I believe that all students should get excused absences and a homework pass for religious holidays.

In my school, we have students from various ethnicities such as Hispanic or Latino, American Indian, Chinese, and Asian Indian, among others. Approximately 25% of the US population celebrate religious festivals that are not on the traditional school calendar and therefore do not receive the same treatment as the standard observances. We are taught to treat everyone equally, and fairly, but in reality, it seems to me that schools do just the opposite.

Many towns have policies that state a student should receive an excused absence and extension for assignments due to religious reasons. But many towns don't acknowledge this policy, resulting in students, teachers, and guardians not knowing about it. Most districts only briefly mention that students may be excused for observance of major religious holidays without getting into the specifics. This leads to broad interpretation and

ambiguity. North Andover had such a policy, but it was overlooked and not properly implemented. Many other towns may have a similar policy, but need to work better to implement it and raise awareness on this issue.

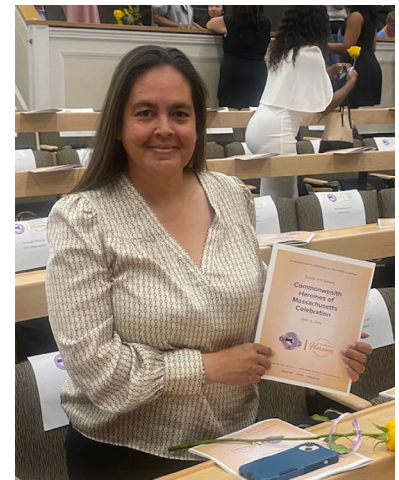
It is my hope that students celebrating a religious holiday who miss class, review, or an exam will be offered an opportunity to make up the work without penalty. I also hope that out of respect for the different religious and ethnic traditions our students represent, and to ensure fair and sensitive treatment of all students, districts shall provide a list of those major religious and ethnic holidays during that school year whose observance may require absence from school or other accommodations at the time of publication of the approved school calendar for a given school year. It would also be beneficial to students if districts do not schedule the first day of the school year on a holiday.

I understand the concern that students could misuse these policies to their advantage. To prevent this, students should present a written absence notification signed by a parent/guardian, or have a parent/guardian call the school informing them of the student's absence, the specific accommodation being requested; the religious practice or belief the student is observing, and the particular date(s) on which the student will be absent.

It is my hope that many towns adopt a policy or elaborate in their already existing policies. This isn't just about students being allowed absences and extensions, it's about religious equality for all students. Let's bring this change for not just this generation, but many more to come.

MASC President Named a Commonwealth Heroine

At a State House presentation earlier this summer, MASC President Mildred Lefebvre was one of 125 outstanding MA women who were nominated by their legislators to the Commonwealth Heroines Class of 2024. Sponsored by the MA Commission on the Status of Women and presented by the Governor, "we celebrate these women from communities all across the state for what they do on a daily basis that makes our homes, neighborhoods, cities and towns better places to live. They may not always make the news, but they most assuredly made a difference. They are mentors, volunteers, and innovators—the glue that keeps a community together." Lefebvre was honored for her advocacy efforts for the Holyoke public schools and its students and her efforts to lead the district out of receivership.





MASC/MASS Joint Conference Registration and Accommodations Update

A record number of registrations have already been submitted for the November 6-9 MASC/MASS Joint Conference in Hyannis. At a meeting last month, the Planning Committee approved a request to extend the Early Bird reduced registration fee through August. Reserve your place now to attend and share learning opportunities with your colleagues and school leaders from across the state.

The host hotel (the Emerald Resort) is almost sold out, but we have negotiated room blocks at the reduced conference rate with two additional hotels a short distance from the conference venue. You can make reservations directly with those hotels. Additional details are below.

DoubleTree by Hilton Hotel Cape Cod – Hyannis (287 Iyannough Rd, Hyannis, MA 02601)

Reservations can be phoned into (508) 771-1700 and ask for the MASC / MASS Overflow Rate
You may also book online at www.capecod.doubletree.com and use the group code 90G
Reservations within the room block must be made prior to October 6, 2024



Holiday Inn Cape Cod – Hyannis, an IHG Hotel (1127 Iyannough Rd, Hyannis, MA 02601)

Reservations can be phoned into (508) 775-1153 and ask for the MASC / MASS Overflow Rate
You may also book online at www.holidayinn.com/hyannisma and use the group code MAS
Reservations within the room block must be made prior to October 6, 2024



Patricia “Pat” Correira

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special Junior High Study Committee, and served on the Mayor’s Task Force on High Schools; the School Department Management Team Study; and was the committee’s longtime representative to the School Building Commission and was instrumental in getting the funding for Central High School in Springfield.

In 1983, Pat was nominated to the

MASC Board of Directors as Second Vice President. In 1986 she was awarded Life Membership in the Association.

Q-Tip—your MASC family will always remember your abiding commitment to help school committee members be the best public servants and advocates for all students. We will miss the pastries you brought from Chmurra’s on Thursdays, the flocks of pink flamingo statuary and artifacts that “decorated” the office, and your envi-

able recall of seemingly every Dunkin Donuts location between Wellfleet and Williamstown. We will think of you—your warmth, your (occasional) snark, your silly, goofy M&M costume-wearing love of fun, and, above all, your simply “being there” for all of us.
Lady, you broke the mold.

Pat is joined by her MASC Field Director Colleagues Jim Hardy (left) and Mike Gilbert (right) in the photo on page 1.

Massachusetts Association of School Committees

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