

Additional Municipal Relief Legislation Passed Chapter 56 of the Acts of 2020

April 15, 2020

The duration of the novel COVID-19 virus outbreak and the Governor's Order to shut down all schools in the Commonwealth until at least May 4, 2020, has presented some particularly unique challenges for municipalities, regional school districts and families alike, given such upcoming events as graduations, the budget setting process, and deadlines established by the Student Opportunity Act. On April 10, 2020, the Governor signed, Chapter 56 of the Acts of 2020, entitled "An Act to Further Address Challenges Faced by Municipalities, School Districts and State Authorities Resulting from COVID-19" which affords municipalities and school districts relief in key areas, summarized below. In the event normal operations continue to be delayed beyond May 4, this legislation, which took effect immediately, provides Regional School Districts and the Department of Elementary and Secondary Education ("DESE") some flexibility to address concerns presented by the virus outbreak.

DESE High School Graduation Competency (Section 6 of the Act)

Many families and graduating seniors face uncertainty with regards to satisfying all of the pre-requisites to be eligible for graduation. This section permits DESE to waive or otherwise modify the requirements of the competency determination for high school graduation. For additional information regarding the competency determination, please see the following link: <http://www.doe.mass.edu/mcas/graduation.html>. The Commissioner of Elementary and Secondary Education is reportedly considering various options, and further guidance from DESE will be forthcoming.

MCAS Waiver Requirement (Section 7 of the Act)

This section requires DESE to waive MCAS requirements for the 2019-2020 academic year due to the outbreak of COVID-19. Under the Act and as a result of the ongoing health crisis, the Commissioner has cancelled this spring's regular administration of grade-level MCAS tests for students in grades 3-10.

Regional School District Interim Budgets (Section 8 of the Act)

If member municipalities of a regional school district are unable to vote to approve its budget before June 30, 2020, this section permits a suspension of the normal regional school district budget process as set forth in G.L. c.71, §16B. Instead, upon notification by the regional school district of a lack of budget, DESE is authorized to

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certify an amount sufficient for the operation of the regional district starting July 1, 2020, in an amount not less than one-twelfth of the regional district's total annual budget in FY20. Similar sums shall be certified for each successive month until a budget is ultimately adopted and approved in accordance with G.L.c.71, §16B. This provision in the Act parallels similar authority provided to Towns under Section 5 of the previously adopted municipal relief legislation, Chapter 53 of the Acts of 2020. For further information about that legislation, click [here](#).

Student Opportunity Act 3-Year Plan Extension (Section 9 of the Act)

The state Student Opportunity Act enacted earlier this year originally required school districts to submit a 3-year plan to address educational disparities in student subgroups in accordance with G.L. c.69, §1S by April 1, 2020. As this deadline has since passed, this section permits the Commissioner to extend the deadline to submit such plan until May 15, 2020 or such later date as the Commissioner chooses. We expect that the Commissioner will announce a new deadline in the coming days in light of the ongoing public health emergency.

We will continue to keep you updated on additional developments in the face of this rapidly evolving pandemic. A reminder that we have established a **Coronavirus "hotline"**, at coronavirusinfo@k-plaw.com. A dedicated team of our attorneys is available through this "hotline" e-mail address to answer the most frequently-asked legal questions arising from COVID-19. One of these designated attorneys will respond promptly to your inquiries. In some instances, you may be referred to your primary contact or other attorney with whom you work on a regular basis, and you should of course feel free to contact these attorney(s) directly with COVID-19 related questions.

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