

Andrew J. Waugh
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September 21, 2021

VIA E-MAIL ONLY

Ms. Jessica Reilly
Chairperson
Medfield School Committee
459 Main Street, 3rd Floor
Medfield, MA 02052

Re: Dale Street School issues

Dear Ms. Reilly:

I am writing in response to your request for guidance on options concerning the disposal or use of the Dale Street School if a new Dale Street School is approved at the Wheelock School campus. I see two (2) primary options available to the School Committee.

1. The School Committee may transfer the property, in this case the Dale Street School, from the Medfield School Committee to the Medfield Board of Selectmen. There is a process for accomplishing this goal which is set forth in the Massachusetts General Laws. MGL c. 40, §15A sets forth the basic steps which the School Committee is required to follow in order to transfer the care, custody, and control of the Dale Street School to the Town of Medfield. Initially, at a duly-noticed, open and public session of a meeting of the Medfield School Committee, the Medfield School Committee must vote to declare that the property is no longer needed for educational purposes. The quantum of vote needed to make this determination is a simple majority. If a majority of the Medfield School Committee votes to declare the Dale Street School no longer needed for educational purposes, it then is required to send notice of this determination to the Board of Selectmen of the Town of Medfield. The Medfield School Committee should notify the Board of Selectmen as soon as practicably possible once the building is no longer needed. The proposed transfer is then placed upon the warrant for either an annual or special town meeting, pursuant to the provisions of MGL c. 39, §10.

A duly-convened regular or special town meeting subsequently is required to vote, by a two-thirds margin, to approve the transfer of the property (in this case, the Dale Street School), to another municipal body (in this case, the Town of Medfield Board of Selectmen), for a different municipal purpose. The proposed municipal purpose for the building should be stated in the vote. It could be something generic like, “the Dale Street School will be used for all functions related to the lawful purposes of the Town of Medfield Board of Selectmen.” You



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should have town counsel draft warrant article language addressing the particular purpose of the transfer. The transfer, following a successful two-thirds vote of Town Meeting, would thereafter be recorded in the County Registry of Deeds.

The foregoing represents a basic outline of the steps that the Medfield School Committee would be required to follow in order to effectuate a transfer of the care, custody, and control of the Dale Street School to the Town of Medfield Board of Selectmen. One other note: as a general matter, a school district seeking to close a school is generally required to notify the Massachusetts School Building Authority (“the MSBA”) and the Department of Elementary and Secondary Education of its decision. See 963 CMR §2.21. Section 2.21(1) which is one of several sub-sections, states that:

- (1) A school district shall notify the Authority in writing, in a format prescribed by the Authority, six months prior to the sale, lease or removal from service as a public school building of any school facility, or portion thereof, in said district. The school district also shall submit:
 - (a) a plan for accommodating any displaced school programs and services;
 - (b) a plan for accommodating district students within the remaining school buildings, as a result of the sale, lease or removal from service of said school facility;
 - (c) a long-range plan for accommodating district students based on the Authority’s Enrollment Projections;
 - (d) any future plans for the sale or lease of property under control of the school district; and
 - (e) any future plans for the construction, renovation, addition or lease of school facilities in the school district.

I recommend that the Committee and you familiarize yourselves with 963 CMR 2.21 if you move forward with closing the Dale Street School. Finally, as a practical matter, it may be wise for the School Committee to confer with the Board of Selectmen and town counsel on this issue to ensure that they agree to accept transfer of the Dale Street School and the terms of the transfer.

2. Pursuant to MGL c. 40, Section 3, a town, with the approval of the school committee, may rent or lease any school building not in actual use and, with the approval of the commissioner of education, surplus space in a school building in actual use to any one more public or private profit-making businesses or nonprofit organizations. The terms of any rental or lease shall be approved by the school committee provided, however, that no school building not in actual use shall be rented or leased for an initial term longer than ten years, but with renewal options if approved by the school committee.

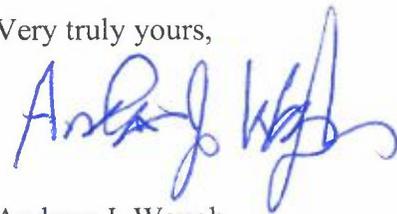
Under this option the Town could rent or lease the space at Dale Street to another public entity or department, subject to School Committee approval. Any lease agreement could not exceed ten (10) years but could include a renewal to extend the lease beyond ten years. This option would allow the School Committee to maintain control over the building while it

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leases/rents the space to another entity. If the School Committee maintains control over the building, it will likely be responsible for maintenance costs for as long as it is in control of the building. If the School Committee were to pursue this option, it should confer with the Board of Selectmen and town counsel on this issue to ensure that they agree on the general parameters of maintaining control over Dale Street and then leasing/renting it and the terms of any lease/rental.

If the Committee or you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,



Andrew J. Waugh

Cc: Dr. Jeffrey Marsden, Superintendent of Schools