



Regional School District Agreements / Amendments

*Mass. Association of School Business Officials
Virtual Annual Institute, March 19, 2020*

Christine Lynch, Office of Regional Governance
Michelle Griffin, Office of Regional Governance

CONTENTS

01

Components of Agreements,
[M.G.L. c. 71, § 14B](#)

02

Additional Components of Agreements

03

Process for Amending the Regional
Agreement

04

Questions?

01

Components of Agreements

M.G.L. c. 71, § 14B

Components of Agreements, M.G.L. c. 71, § 14B

- The number, composition, method of selection, and terms of office of the members of the regional district school committee.
 - Agreement language must meet *One Person, One Vote* U.S. Constitutional requirement.
 - Five means of selecting regional district school committee members in [M.G.L. c. 71, § 14E](#).
 - Recommend including in agreement:
 - provision for updating voting membership to reflect new census data, and
 - method of filling vacancies on the school committee.

Components of Agreements, M.G.L. c. 71, § 14B

- The city/town or cities/towns in which, or the general area within the regional school district where, the regional district school or schools are to be located.
- The type of regional district school or schools:
Academic or Vocational.

Components of Agreements, M.G.L. c. 71, § 14B

- The detailed procedure for the preparation and adoption of an annual budget.
- The method of apportioning the expenses of the regional school district, and the method of apportioning the costs of school construction, including any interest and retirement of principal of any bonds or other obligations issued by the district among the member towns, and the time and manner of payment of any such expense.

Components of Agreements, M.G.L. c. 71, § 14B

- The method by which school transportation shall be provided, and, if transportation is to be furnished by the district, the manner in which the expenses shall be borne by the several towns.

Note:

- When the agreement provides for the furnishing of transportation by the regional district, the regional district *shall* be obliged to provide transportation for all children in grades K-12 and the Commonwealth shall reimburse such district to the full extent of the amounts expended for such transportation. [M.G.L. c. 71, § 16C](#).
- Regional School Districts will receive transportation reimbursement for eligible transportation expenditures, subject to appropriation.

Components of Agreements, M.G.L. c. 71, § 14B

- The terms by which any city or town may be admitted to or separated from the regional school district.
- The method by which the agreement may be amended.
- Other matters, not incompatible with law.

02

Additional Components of Agreements

Additional Components of Agreements - Statutes

- M.G.L. c. 71, § 14C: The agreement or any amendment *may* contain provisions authorizing any member town to sell, lease or grant a license to use any school building and any land appurtenant thereto or used in connection therewith to the regional school district.
 - In the case of a lease or license to use, the rental or license fee and terms of payment and assessment shall be set forth in the agreement or amendment.

Additional Components of Agreements - Statutes

- [M.G.L. c. 71, § 14D](#): The agreement or any amendment *may* provide that the incurring of indebtedness by the district shall be approved by the registered voters in the member towns pursuant to the provisions of clause (n) of section sixteen.
- Even if agreement includes M.G.L. c. 71, § 16(n) provision for incurring debt, provisions of M.G.L. c. 71, § 16(d) are always available to the district.
 - Use of M.G.L. c. 71, § 16(n) provision requires two-thirds of school committee to require that the approval of any particular authorized issue of indebtedness shall be by the registered voters of the member towns of the district pursuant to the provisions of M.G.L. c. 71, § 16(n) rather than pursuant to the provisions of M.G.L. c. 71, § 16(d).

Additional Components of Agreement - Regulations

All agreements must address the Statutory Assessment Method:

Assessment under the statutory method is the sum of the following amounts:

- (a) member's required local contribution to the regional school district as determined by the Commissioner;
- (b) *member's share of that portion of the regional school district's net school spending that exceeds the total required local contribution for all members, this share to be allocated pursuant to the assessment provisions of the **regional agreement**; and*
- (c) *member's share of costs for transportation, capital project debt service, other capital costs, & all other expenditures not included in the regional school district's net school spending, this share to be allocated pursuant to the assessment provisions of the **regional agreement**.*

Additional Components of Agreements – Regulations

If agreement contains an Alternative Assessment Method:

Assessment under the Alternative method is the sum of the following amounts:

- a) the member's share of the regional school district's net school spending; and
- b) the member's share of costs for transportation, capital project debt service, other capital costs, and all other expenditures not included in the regional school district's net school spending; *both such shares to be allocated pursuant to the assessment provisions of the regional agreement.*

See [603 CMR 41.01](#)



Optional Provisions

- Defining the grade level of the elementary / middle schools located in each town.
 - Provision surrounding reconfiguration of grades – will school committee decide?
- Indicating all schools or the high school must be in a certain geographic center.



Optional Provisions

- Provisions surrounding maintaining/closing of schools.
 - Designation that each town shall have at least one elementary school building.
 - Process by which the School Committee and/or member town may close a school.
 - Required votes by school committee and/or members to close a school.

- Method for periodic review of agreement.

Reasons for Review

➤ *What may need to be changed/updated?*

- Changes in grade configuration
- Addition of a new member town
- Withdrawal of a member town
- Budget or assessment process
- Apportionment of operating, capital or transportation costs
- *One Person, One Vote* – school committee composition
- Amendment, withdrawal or termination procedures or required votes

Reference prior slides for required and optional content.

Reasons for Review

- Update grade configuration – PreK-12 vs. K-12
- Payment terms – times/months of payments
- Change from calendar year to fiscal year for times of payments
- Eliminate redundant and/or outdated references:
 - reference to interim school committees, transition periods
 - terms: e.g., DOE to DESE, names, location or grade range of schools currently in use
- Avoid confusion with terms
 - Does “member” refer to *school committee member* or *member municipality*?
 - Does “enrollment” refer to foundation enrollment or students served in regional school buildings?

Potential Areas of Misconception

- Agreement must outline method of apportioning operating, transportation and capital costs – may not merely reference the statutory assessment method.
- Agreement must outline alternative assessment method, if desired.
- *One Person, One Vote* compliance is determined based on census for city or town - not by student population.
- Vote required to terminate agreement is addressed in the agreement; the law does not require unanimous approval of towns.

Potential Areas of Misconception

- School buildings need not be owned by the school committee but must be under the school committee's control - may be leased by the school committee.
- Agreement may provide that individual city(ies)/town(s) pay for construction, renovation of their own buildings.
- The Commissioner of DESE must approve all regional agreements and all amendments to regional agreements, per statute.



03

Process for Amending the Regional Agreement

Agreements: Local Activities

- Review the current regional agreement and all amendments:
 - What are the terms for amending the agreement?
 - Who can initiate an amendment to the agreement?
 - Have the agreed upon steps been followed?
- Follow the process outlined in current regional agreement.
- Review by local counsel.
- Involve local officials.
- Keep the public informed.



Agreements: Local Activities

- Incorporate all previous amendments.
- Reference any special legislation that may apply.
- Ensure all required components are addressed.
- Consider other components (local wishes).
- Produce a draft of an amended comprehensive agreement.

Remember Applicable Timelines

Follow timeline in Board of Elementary and Secondary Education regulations:

- All approvals, including the Commissioner's approval, are required **by December 31**, if member is withdrawing, new member is being added, or change in grade configuration.
 - ❖ **July 1** effective date - funding implications
- Other types of amendments will become effective upon approval, including the Commissioner's approval, unless a later date is indicated in the regional agreement.

Submission to ORG and Approval of Commissioner of DESE

- Contact DESE's Office of Regional Governance (ORG).
- Submit draft of complete agreement to ORG:
 - Incorporate all changes for review.
 - Include signature line for the Commissioner.
- Agreement must meet local needs.
- Agreement must meet all provisions of law and regulations.
- After ORG reviews & provides feedback, district may finalize and send *full agreement* to members for town meeting/city council votes.
- Send ORG final agreement & certified copies of members' votes for Commissioner's approval.

QUESTIONS?

THANK YOU



www.doe.mass.edu



781-338-6515



781-338-6520



Michelle.L.Griffin@mass.gov



ChristineM.Lynch@mass.gov



MASSACHUSETTS DEPARTMENT OF
ELEMENTARY AND SECONDARY
EDUCATION