

# Amending the Regional Agreement

**Presentation**

by

***Massachusetts Association of  
Regional Schools***



# Berkshire Hills Regional School District Agreement

- Original Agreement 1965
- Last Agreement update = 1990
- What is on file with the DESE?
- Has Agreement had updates approved by Towns?
- Does DESE have all the amendments?



# Why is an Update Needed?

- Education Reform of 1993 – not addressed in current Agreement
- Assessment provisions – might not be compliant with Ed Reform
- Are there Governance issues?
- Are there Capital Assessment issues?
- Opportunity to update Agreement with all amendments into one new document



# Process to Amend Overview

- Determine a need
- Form a Regional Agreement Amendment Committee (RAAC)
- Utilize consultants to support process
- Review the current Regional Agreement for issues to amend
- Incorporate State Laws & Regulations concerning regions
- Develop & implement a Community Relations process
- Review and suggest amendments to current Regional Agreement
- Produce an amended Agreement
- Approve amended Agreement by Regional School Committee
- Seek preliminary approval from Commissioner of Education
- Vote to approve amended Agreement in each town
- Final approval granted by Commissioner of Education



# Amendment Sub-committee

- Regional School Committee creates a “Regional Agreement Amendment Committee” - subject to Open Meeting Law
- Suggested Membership on this sub-committee
  - A. School Committee members from each town
  - B. Selectman from each town
  - C. Finance Committee member from each town
  - D. Town Administrator or Town Manager from each town
  - E. Public at Large from each town
  - F. School Superintendent & Business Manager (resources)



# Appointing Amendment Sub-committee (1)

- School Committee chooses 1 member from each town from the School Committee
- School Committee assigns Superintendent of Schools & Business Manager as resources



# Appointing Amendment Sub-committee (2)

- School Committee asks Selectmen from each town to recommend a member to be appointed to the RAAC
- School Committee requests each towns' administrator to be appointed to RAAC
- School Committee asks Finance Committee from each town to recommend a member to be appointed to the RAAC



# Appointing Amendment Sub-committee (3)

- School Committee requests interested individuals in the member communities
- School Committee appoints 1 to 3 individuals from each town
- School Committee appoints Chairperson, Vice Chair & Secretary





# Status of Regional Agreement

- The regional agreement is amended
- If the amendment to the agreement is not approved, the current agreement stays in place
- The regional agreement is not being opened, it is being amended



# Review current Regional Agreement for possible Amendments

## RAAC & Facilitators



# Updating Process RAAC & Facilitators

- Start with current Agreement
- Review each section of Agreement
- Use Tracking Agreement Document process
- Seek DESE approval as each section of Agreement is reviewed
- Lawyers for District review the changes to make sure they are legal
- Amendment Committee approves a complete updated Agreement
- School Committee approves a complete updated Agreement
- Facilitators seek DESE initial approval of completed updated Agreement before being voted by the Towns
- Town Meeting votes approval
- Commissioner signs agreement



# State Laws - Regional Agreements

- Regional agreements must address all sections as outlined in Chapter 71 Section 14B
- All required sections must be up-to-date & corrected where necessary



# Standard components

- Type or model of Regional District (grade configuration)
- Identify current school facilities
- Composition of Regional School Committee
- Terms of office
- Voting procedures/voting weights for School Committee members
- Filling vacancies on the School Committee
- Electing officers on the School Committee
- Powers of the School Committee
- Apportionment of costs
- Incurring debt
- Procedures for use of budget funds
- Procedures to change or amend the Regional Agreement
- Procedures to withdraw from the region or admit a new member



# Regional Agreement: Amendment Language

## 1) LIMITATION

This agreement may be amended from time to time in the manner hereafter provided, but no amendment shall be made which shall substantially impair the rights of the holders of any bonds or notes or other evidences of indebtedness of the District then outstanding, or the rights of the District to procure the means for payment thereof, provided that nothing in this section shall prevent the admission of a new town or towns to the District and the reapportionment accordingly of capital costs of the District represented by bonds or notes of the District then outstanding and of interest thereon.



# Agreement

## AMENDMENT SECTION

### (B) Procedure

Any proposal for amendment, except a proposal for amendment providing for the withdrawal of a member town (which shall be acted upon as provided in Section IX), may be initiated by a vote of a majority of all the members of the Committee or by a petition signed by at least 10 per cent of the registered voters of any one of the member towns. In the latter case, said petition shall contain at the end thereof a certification by the town clerk of such member town as to the number of registered voters in said town according to the most recent voting list and the number of signatures on





# Agreement

the petition which appear to be the names of registered voters of said town and said petition shall be presented to the secretary of the Committee. In either case, the secretary of the Committee shall mail or deliver a notice in writing to the board of selectmen of each of the member towns that a proposal to amend this agreement has been made and shall enclose a copy of such proposal (without the signatures in the case of a proposal by petition). The selectmen of each member town shall include in the warrant for the next annual or a special town meeting called for the purpose of an article stating the proposal or the substance thereof. Such amendment shall take effect upon its acceptance by all the member towns, acceptance by each town to be by a majority vote at a town meeting as aforesaid.





# Community Relations Plan

- RAAC with Facilitators' meetings open to public – citizens are encouraged to attend
- RAAC & Facilitators meet with Selectmen and Finance Committee to explain the changes – several times during the process
- RAAC & Facilitators hold public meetings to explain the proposed amended agreement – several times and get feedback
- Newspaper articles
- Cable TV



# Significant Issues – Governance: School Committee Composition

## One Person One Vote

- Chapter 71 Section 14E
  - Options for Election of Regional School Committees
- 5 acceptable ways to choose school committee members



# Significant Issues – Assessments

- Statutory Method
  - Outlined by statute
- Agreement/Alternative Method
  - District proposes method to be approved by DESE



# Statutory Assessment Method

Calculation of members' assessments pursuant to the provisions of M.G.L. c.70, § 6

Each such assessment shall be the sum of the following amounts:

- (a) the member's required local contribution to the regional school district as determined by the Commissioner;
- (b) the member's share of that portion of the regional school district's net school spending, as defined by M.G.L. c.70, § 2, 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) 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, this share to be allocated pursuant to the assessment provisions of the regional agreement.



# Alternative Assessment Method

Calculation of members' assessments pursuant to the local option provided in the fourth paragraph of M.G.L. c.71, § 16B.

Each such assessment shall be the sum of the following amounts:

- (a) the member's share of the regional school district's net school spending, as defined by M.G.L. c.70, § 2; 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.



# Assessment Requirements

## Statutory

- An annual affirmative vote of the appropriating authorities of 2/3 of the members is required.
- Notification to the Department of Elementary and Secondary is not required.

## Alternative

- *All* members of the regional school district must *unanimously* approve this method.
- A vote must be taken *each year* to utilize this method.
- Notification to the Department of Elementary and Secondary is required.



# Recommended Process: RAAC & Facilitators

1. RAAC reviews the Regional Agreement for Compliance
2. RAAC writes amendments to the Regional Agreement
3. RAAC produces an amended agreement – keeps in touch with DESE
4. Community relations plan implemented
5. RAAC recommends to the School Committee approval or no approval
6. School Committee votes to approve, not approve or change the recommended amendments and updates to Regional Agreement
7. Amended Agreement sent to DESE for initial approval
8. Amendment is sent to the Selectmen of each town after initial approval by DESE
9. Community Relations Plan followed
10. Communities vote on amendments to Regional Agreement



# Recommended Process: Public Vote

1. Selectmen place article on warrant
2. Voters approve or disapprove amended Agreement
3. If approved, signed Agreement and certified votes sent to DESE
4. Commissioner approves amended agreement provided it is in compliance





# TimeLine

- Chose date to have Town Meeting approve updated agreement – recommend concurrent Town Meetings
- Chose dates for public hearings before Town Meetings
- Work backwards to establish the first meeting date and then the meeting schedule for Amendment Committee
- Community relations plan – update meetings and press releases – choose dates and locations
- The timeline will be influenced based on the date the assessment needs to be in place for following year's budget



# A Reflection

- Amendment Process requires careful thought
- Need to develop a significant Community Relations Program
- Length of time to complete amended Regional Agreement can take up to a year or more
- Recommendation is to have facilitators and legal assistance throughout the process



# Questions

