



Massachusetts Department of Elementary and Secondary Education

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August 27, 2010

STEPS TO FORMING A REGIONAL SCHOOL DISTRICT

This document summarizes the major steps involved in forming a regional school district. For complete and comprehensive information on all requirements, refer to Chapter 71, Sections 14-16I and the Regional School District Regulations, 603 CMR 41.00.

1. *Formation of Regional School District Planning Committee*

A regional school district planning committee is a special unpaid committee created by town meeting vote. (See *Appendix A*) The committee consists of three members, including one member of the school committee, to be appointed by the moderator. An existing regional school district may create its own planning committee by following the terms in the regional agreement for initiating amendments. This committee joins with a committee from one or more other towns or regional districts to form a regional school district planning board.

2. *Formation of Regional School District Planning Board*

The Regional School District Planning Board refers to the combination of two or more regional school district planning committees. The Board has the following duties:

- Elect chairperson and secretary-treasurer;
- Study fiscal and educational advisability of establishing a Regional School District, its organization, operation and control; and of constructing, maintaining and operating a school or schools to serve the needs of the district;
- Develop a Long-Range Plan; *See Appendix D*
- Request *Reorganization Needs Conference* with Department of Elementary and Secondary Education (DESE); (See *Appendix D*)
- Submit a report of its findings and recommendations to the selectmen of the respective towns. (See *Appendix B*)

3. *Recommendation to form or Expand a Regional School District*

If the regional school district planning board recommends that a regional school district be established or expanded, it must:

- File an application* with DESE for review.
- Secure approval of towns at special or annual town meeting by printed ballots.

4. *Regional School District Application**

- Record of Reorganization Needs Conference held with Department staff.
- Long Range Educational Plan
- Regional School District Agreement.
- Certified votes of all appropriate municipalities or duly constituted authorities

*The Commissioner of DESE must approve all regional school district agreements and amendments. On-going contact with DESE staff throughout the planning phase and ESE review of the proposed agreement provides confidence that the agreement language complies with all applicable laws and regulations, prior to voter approval.

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DISCUSSION ISSUES

1. Educational goals, objectives and curriculum offerings
Critical to the creation of a regional school district is discussion and agreement on educational programming. A comprehensive educational program must be developed that will be consistent across geographical lines and articulated on a K-12 basis.
2. School Committee Membership
 - Size of the Committee
 - Method of determining representation from each member town
 - Compliance with One-person One-Vote - See Chapter 71, Section 14E
3. Administration of the District
 - Determining positions and roles
 - Developing Organizational chart
 - Responsibilities and hiring
 - Coordination of budgets, technology systems, reporting
 - Development of one school calendar
4. Staff
 - Review of staffing need based on curriculum offerings and location of programs
 - Salary: Union contracts may continue until the expiration date. All teachers must initially be placed on the district salary schedule so that compensation shall not be less than compensation previously received. The final pay scale is subject to negotiation between the new committee and bargaining unions
 - Benefits – Tenured teachers would be tenured in the RSD
5. School Buildings: Ownership, Location & Use
The condition and use of all buildings must be analyzed to determine adequacy and need under the regional structure. All school buildings must be under the control of the regional school committee. Buildings may be leased by the towns to the regional district for a 20-year period, subject to renewal. A separate lease arrangement may be developed.
6. Contracts, Liabilities and Assets
Each district's obligations and liabilities must be discussed to determine how or if these items will be included in a regional organization.
 - Coordinated transportation bid
 - Cooperative purchasing
7. Memberships & Affiliations:
Discussion of collaborative and vocational programs and service delivery.
8. Municipal – Indirect Costs in support of Educational Services
Municipal costs not currently included in each respective school committee budget must be

analyzed to determine whether these expenses will be continued or absorbed in the regional school committee budget, e.g. maintenance, insurance, benefits, debt, etc.

9. Development of District Budget: See Chapter 71, Section 16B and 603 CMR 41.05

10. Apportioning of capital/operating costs

The regional agreement must include a method for apportioning all operating, transportation, capital and any other costs to the member municipalities and adhere to the provisions of the Regional School District Regulations (603 CMR 41.00) for calculating assessments to member towns. <http://www.doe.mass.edu/lawsregs/603cmr41.html>. Additional information on assessment options can be found in “Guidance for Regional School District” located on the Department’s web site at <http://finance1.doe.mass.edu/regional/>. This document describes both the statutory and alternative (Agreement) methods of calculating town assessments.

11. Transitional Period

The Planning Board should consider including a provision in the Regional Agreement to outline how the District will operate during the transition from multiple municipal district to a joint regional district. Some areas to address include:

- Interim School Committee: Members of present town school committee may continue on the committee to the end of their term as long as compliance with one-person one vote is maintained.
- Union contracts: Contracts may continue until expiration date.
- Administration: The Superintendent and other central office staff from one of the participating districts are often retained in the new regional structure.

12. State Aid

- All Educational Aid will be directed to the Regional School District
- Regional School Districts are eligible for transportation reimbursement for the costs of transporting K-12 students who reside more than 1 ½ miles from the school of attendance.
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References:

Authorizing Legislation:
Department Regulations
Department’s web site

Chapter 71, Sections 14-16i
603 CMR 41.00
<http://finance1.doe.mass.edu/regional/>.

DEVELOPMENT OF REGIONAL DISTRICT AGREEMENT

To facilitate the writing of a regional agreement, and to clarify statutory requirements involved, the regional school district planning board is urged to confer with the staff of the Department of Elementary and Secondary Education and legal counsel. Advice may be secured as to the necessary and advisable provisions to be included in the Agreement. In all instances, following a general outline, the agreement is tailored to fit the particular needs of the proposed district. Legal staff in the Department will review the agreement to insure that the language of the agreement is in compliance with provisions of Chapter 71, §14-16I. In addition, final approval of the Agreement should be secured from bond counsel in order that no legal difficulties or obstructions will be encountered when or if the regional school district obligates itself financially through a bond issue.

Summary of Agreement Contents

Refer to Chapter 71, Section 14B

- a. The number, composition, method of selection, and terms of office of the members of the regional district school committee;
 - b. The town or towns in which, or the general area within the regional school district, where the regional school district school or schools are to be located;
 - c. The type of regional district school or schools;
 - d. The method of apportioning the expenses of the regional school district, and the method of apportioning the costs of school construction, and the time and manner of payment of the shares of the several towns of any such expense;
 - e. The method by which school transportation shall be provided, and if such transportation is to be furnished by the district, the manner in which the expenses shall be borne by the several towns;
 - f. The terms by which any city or town may be admitted to or separated from the regional school district;
 - g. The method by which the agreement may be amended;
 - h. The detailed procedure for the preparation and adoption of an annual budget; and
 - i. Any other matters, not incompatible with law, which the said board may deem advisable.
- The agreement or 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, and any such town may authorize such sale, lease or license accordingly.
 - The agreement 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 of Chapter 71.

SUMMARY OF REGIONAL SCHOOL COMMITTEE ORGANIZATION

Refer to Chapter 71, Section 16A

Upon establishment of the regional school district the members of the regional district school committee shall be selected as provided in the agreement. The powers, duties and liabilities of a regional school district shall be vested in and exercised by a regional district school committee organized in accordance with the agreement.

- The committee shall choose a chairman and a vice chairman by ballot from its membership.
- The committee shall appoint a secretary and a treasurer who may be the same person, but who need not be members of said committee
- The committee may appoint an assistant treasurer who need not be a member of the committee
- The committee may hire a business manager, assistant superintendent for business or employee with a title of similar import who shall not hold the office of treasurer or assistant treasurer.
- The committee may appoint a school building committee which shall have such powers and duties relative to the construction, reconstruction, remodeling, repair, expansion or equipping of school buildings or facilities as the committee determines.
- The committee may establish a subcommittee of no less than three members for the purpose of signing payroll warrants and accounts payable warrants to allow for the release of checks; provided, however, that such subcommittee shall make available to the committee at the next meeting, a record of such actions of such subcommittee;
- The committee shall solicit proposals and contract with an independent certified public accountant to perform an annual financial audit and make management recommendations, and shall receive the audit report in public session.

OPTIONS FOR ELECTION OF REGIONAL DISTRICT SCHOOL COMMITTEES

Refer to Chapter 71, Section 14E

A regional school district must provide for one of the following options in determining the members of its regional district school committee

- Elect committee members by voters in member communities with each community's representation apportioned according to population
- Elect members in district-wide elections to be held at the biennial state elections
- Elect members with residency requirements in district wide elections to be held at the biennial state elections.
- Weigh the votes of committee members according to the population they represent
- Appoint members by locally elected officials such as school board members.

SUMMARY OF REGIONAL SCHOOL DISTRICT POWERS AND DUTIES

Refer to Chapter 71, Section 16

A Regional School District shall be a body politic and corporate with all the powers and duties conferred by law upon school committees, and have the following additional powers and duties:

- a. To adopt a name and a corporate seal;
- b. To sue and be sued;
- c. To acquire property within the towns comprising the district under the provisions of Chapter 79 and §14 of Chapter 40 for the purposes of the district and to construct, reconstruct, add to, remodel, make extraordinary repairs to, equip, organize and operate a school or schools for the benefit of the towns comprising the district, and to make any necessary contracts in relation thereto; provided, however, that no property shall be required unless the town in which such property is located approves such acquisition by a two-thirds vote at town meeting. (Only applies to the acquisition of property for which a regional district school committee has authorized the incurring of debt)
- d. To incur debt for the purpose of acquiring land and construction, reconstructing, adding to, and equipping a school building or buildings for a term not exceeding twenty years of for the purpose of remodeling and making extraordinary repairs to a school building or buildings and for the construction of sewerage systems and sewerage treatment and disposal facilities or for the purchase or use of such systems with municipalities, for a term not exceeding ten year;
- e. To issue bonds and notes in the name and upon the full faith and credit of said district;
- f. To receive and disburse funds for any district purpose;
- g. To incur temporary debt in anticipation of revenue to be received from any source;
- h. To assess member towns for any expenses of the district;
- i. To receive any grants or gifts for the purposes of the regional district school or schools;
- j. To engage legal counsel;
- k. To submit an annual report to each of the member towns, containing a detailed financial statement; and a statement showing the method by which the annual charges assessed against each town were computed;
- l. To employ a superintendent of schools who may also be a superintendent of one or more of the towns comprising said district;
- m. To adopt an annual operating and maintenance budget for the next fiscal year;
- n. To incur debt for the purposes and terms specified in clause (d);
- o. To refinance any debt incurred under paragraphs (d), (e), or (n), in accordance with the provisions of section 21A of Chapter 44;
- p. To lease, or lease with an option to purchase, equipment for educational purposes. Such leases may be made for periods not exceeding five years;
- q. To lease land and buildings for educational purposes. Such leases may be made for periods not exceeding five years;
- r. To rent or lease with the approval of the commissioner of education surplus space in a school building of the district to house public or private profit-making businesses or nonprofit organizations.

Appendix A

Sample ballot to establish a regional school district planning committee

To see if the Town will vote to create a special unpaid committee to be known as a regional school district planning committee, to consist of three members, including one member of the school committee, to be appointed by the moderator in accordance with the provisions of Section 14 of Chapter 71 of the General Laws, as amended; and that there be appropriated for the use of said committee the sum of .*

*Section 14 of Chapter 71 states:

"such sum or sums, not exceeding one tenth of one per cent of the assessed valuation of such town in the preceding year, as it may deem necessary."

Appendix B

SUGGESTED LETTER OF TRANSMITTAL

Date: _____

To the Selectmen of the Towns of: _____

After examination and investigation of the matters set forth in Section 14A of Chapter 71 of the General Laws, as amended, the undersigned Regional School District Planning Board recommends that a regional school district for grades _____ to _____, inclusive, be established for the Towns of: _____

_____ and we herewith submit an agreement for the establishment of such a district. We also submit herewith a report of our findings, contained in the accompanying brochure.

Respectfully submitted,

(Name of Towns)

Regional School District Planning Board

Signatures

Appendix C

ADVANTAGES AND DETERRENTS TO REGIONALIZATION

Advantages

- A single school committee with cohesive educational policy.
- A single administration with potential for more efficient and economical operation of school departments.
- A coordinated curriculum, kindergarten through grade twelve.
- A single salary schedule and a single teacher unit for negotiation purposes.
- A single budget, administered to take advantage of efficient, centralized purchasing techniques.
- Savings incurred by bulk purchasing and combined transportation costs.
- Reduction of duplicated effort in the administration of the program, business procedure, and negotiations.
- Utilization of sound, long range planning and fuller utilization of teachers and all school facilities for all the pupils affected.
- Opportunity to offer more programs and enrichment within school curriculum.
- Coordinated program of testing, guidance, health services and school adjustment work.
- State transportation reimbursement

Deterrents - Concerns & Misconceptions

- Unwillingness to share control with neighboring towns, a feeling of loss of control or local pride.
- Belief that small is better - refusal to recognize the shortcomings of the small district.
- Fear that regional districts will cost more to operate.
- Resistance to change.
- Fear that buildings will close and elementary students will be transported across town lines.
- Concern for job security and impact on teacher salaries, benefits and tenure.
- Loss of positions for school committee
- Potential change in administrative leadership and staff.
- Concern over capital and operational assessment methodologies.
- Economic, educational and/or social differences.
- Differences in financial support of education.
- Impact on state aid calculations.
- Loss of town control of state aid when funds are distributed directly to the Regional District

Appendix D

REORGANIZATION NEEDS CONFERENCE

DATE _____

DISTRICTS: _____

NEW _____ EXPANDED _____ ENLARGED _____

_____ The Regional School District Planning Board has been established in accordance with M.G.L. c.71§14 or by the Regional School Committee, as applicable;

A Long Range Educational Plan must be submitted to the Department that addresses: the expected educational benefits of reorganization; current and projected enrollments; an inventory of all educational facilities under the jurisdiction of the various school committees (current and proposed) and any construction efficiencies; the administrative structure, including a current and proposed organization chart; the fiscal benefits; the geographical and physical characteristics; and the transportation economies which would result from a school district reorganization.

The following items will be discussed and as appropriate, included in the Long Range Educational Plan as part of the application for a new, expanded or enlarged regional school district.

Educational strategies and programs: Explain how the following programs are currently offered and whether these programs will be changed or enhanced under a new, expanded or enlarged district. Address all prior or potential non-compliance issues.

- a. Academic curricular offerings;
- b. Collaborative programs and initiatives with neighboring districts
- c. At risk students and low incidence populations;
- d. Extra curricula offerings
- e. Professional development opportunities.
- f. Vocational education;
- g. Other programs, e.g. early childhood education, twelve-month school year, extended school day, day care, adult programs, etc.

Organizational characteristics of the proposed district:

- a. Submit student enrollments projected for 5 to 10 years;
- b. Identify proposed grade structure;
- c. Provide evidence of compatibility of member towns that may enhance and sustain the merger

- d. Provide evidence that contiguous towns/school committee have been notified of a regionalization study, as applicable.
- e. Provide information on pertinent geographic and physical characteristics;
- f. Provide other locally derived data to support the merger.

Administrative enhancements:

- a. Provide present and future organizational chart;
- b. Address transportation plans and economies;
- c. Address purchasing and bidding strategies;
- d. Provide an inventory of all educational facilities under the jurisdiction of the various school committees current and proposed;
- e. Explain how all school buildings will be utilized
- f. Describe long range school construction plan;

Procedural:

All requisite approvals, including the Commissioner’s approval, shall be obtained no later than the preceding *December 31*. The authorizing votes may provide for the deferral of the effective date of a new regional or the admission or withdrawal of members until *July 1* of a subsequent fiscal year.

- a. Describe the timetable for town meeting presentations and votes;
- b. Expected date of school district reorganization: _____

Participants

Position

District