

REGIONAL AGREEMENT WORKING GROUP  
REPORT TO THE REGIONAL SCHOOL COMMITTEE  
JANUARY 13, 2015

Introduction

The Regional Agreement Working Group (RAWG) recommends that the Amherst-Pelham Regional School Committee approve amendments to the Amherst-Pelham Regional Agreement and submit them to Amherst, Leverett, Pelham and Shutesbury Annual Town Meetings in spring 2015. These amendments have been designed to unify education for students from pre-Kindergarten through high school in a single system and address the various priorities identified by Working Group members on behalf of their towns and the region as a whole.

Our region exemplifies excellence in education for students in grades 7-12 for four towns that share a vision for education while remaining unique communities. The recommended amendments would establish a model that would allow the smaller towns to have an option to continue to operate their elementary school separately, outside of the expanded region retaining their own town School Committee, if they so choose. If a town makes that choice, it can add its elementary school students to the Region in the future after observing how the expanded Region is operating.

The RAWG was appointed by the Amherst-Pelham Regional School Committee in January 2014 to consider whether to make a recommendation regarding regionalization and to propose a specific plan. The twelve members appointed to the RAWG previously served on a Regional School District Planning Board (RSDPB), created from a process authorized by their respective Town Meetings in 2011 to consider whether to join with other towns to create a regional elementary school district. In 2013, the RSDPB agreed to a revised approach to have a single region for all schools from PK-12; this could be achieved by amending the current Regional Agreement. That led to the decision to appoint the RAWG.

The twelve members of this Working Group are present or former members of School Committees, Select Boards and Finance Committees of the four member towns. The committee members considered the aspirations and needs of our communities individually and as a region.

Since the current region was created in the 1950's to provide education for students in grades 7-12 from the towns of Amherst, Pelham, Shutesbury and Leverett, the four towns have had official discussions about regionalizing elementary schools in 1968, 1976, 1992, 2009 and currently. The Massachusetts Education Reform Act of 1993, the Massachusetts Board of Elementary and Secondary's educator evaluation regulations of 2011, educator evaluation changes in federal law since 2001, enrollment trends, population changes in the four towns, and financial pressures on local governments have informed the current recommendations for changes in how we structure the system for public education in this region.

The RAWG (and the RSDPB that was in place previously) used a process that had committees study educational, financial, governance, and school location and use issues and make recommendations to the Working Group. This process enabled us to: (1) learn about the system and the concerns of each town; (2) develop a proposal that will work for the region and each individual member town; (3) assure that the education of our children is the primary

consideration; (4) try to position our schools to be stable, financially sustainable, and accommodate future changes, known and unknown; and (5) achieve consensus.

Since it was appointed in January 2014 the RAWG has held ten meetings in addition to committee meetings and work outside of formal meetings. Public comment periods were included at all of our meetings. Unfortunately, we did not have the capacity to also hold community forums, though we reported to the respective Town Meetings and communicated with town boards, committees and citizens. Meetings since August have been facilitated by a professional process consultant so that all of us could focus on the needs of the region and our respective communities.

The report explains the agreement. Compromises were required to achieve consensus. This report was approved by the RAWG on January 7, 2015. Appendix A to this report identifies the RAWG's specific recommendations regarding how to amend the current regional agreement.

This is a carefully balanced proposal designed to maximize the chances that our region can fulfill its mission, meet the needs in all four towns, and engender the support that will be needed to pass at all four Town Meetings. The RAWG respects the Regional School Committee's need to review all of the proposed amendments before its members can support them. The RAWG does caution that because each of the proposed amendments relates to at least one of the other amendments, changing any one of them could upset the balance. The warrant to amend the Regional Agreement must pass at all Town Meetings by majority vote of residents; if one town's Town Meeting does not vote to approve the amendment, the amendment process fails.

#### Educational Benefits to PreK–12 Regionalization for the Four Participating Towns

At the outset of this multi-year process of exploration and deliberation, the members of the RAWG (and its predecessor RSDPB) agreed that for regionalization to be proposed, there needed to be compelling educational benefit to students. While it was acknowledged that other factors such as finances and governance are important to recognize and consider, regionalization must offer education benefit to the students in order to be broadly supported by town officials, parents, residents, teachers and administrators.

During the past twenty years, public schooling in the Commonwealth has undergone a series of changes that have dramatically altered the manner in which public schools are managed and administered and a corresponding transformation of the delivery of educational instruction to all students. The authority and responsibilities of school committees and superintendents have undergone major changes. Much of the historical oversight responsibility of school committees was shifted to the superintendent as the C.E.O. of the school district, as a result of Massachusetts Education Reform in 1993. This has significant implications for how districts operate.

One of the many consequences of these changes is that there is now a common framework for all of the main curriculum areas, a state-mandated system for assessing the extent of student progress toward achieving curricular goals, and procedures for evaluating and improving instruction. Regionalization provides a way to harness and maximize the utilization of our collective resources in order to reach this new level of expectations. In addition, school administrators and staff will be better positioned to remediate persistent weaknesses in order that

all students will come closer to fulfilling their full cognitive, social, emotional and physical potential. At the school level, effective district and building leaders create the conditions—including appropriate professional development and time utilization—for school counselors, school psychologists, and teachers to develop leadership and facilitation skills, so that the school staff can collaboratively work on curricular, instructional, assessment, and human development issues. Creating a strong school culture focused on teaching and learning, remains the focus of well-functioning schools.

Regionalization can support the continued development of these practices by (1) promoting greater focus on the state-mandated curriculum frameworks, (2) creating conditions by which all students share similar expectations, a common vocabulary, and a set of common learning tools and resources; (3) supporting teachers use of collaborative strategies to implement effective practices to promote and assess learning; (4) administering schools more efficiently, thereby fostering greater financial and budgetary stability; and, (5) providing more universal and sustainable support for students with disabilities (especially those with major disabilities).

The RAWG also recognizes that each school has, over the years, developed its own identity, programs and traditions. Regionalization is not intended to negate any of this. By bringing together the strengths and character of each school to a higher level of organization, all children will benefit from a common set of expectations, vocabulary and learning tools, resources and opportunities.

Changing the current organizational structure as described in the various Regional Agreement amendments can provide a more coherent framework upon which to build the necessary programs, practices, protocols and policies that can better serve all of the children of the District. The proposed structure can allow the superintendent to be a true educational leader and observe and support teaching and learning. Compared to the current administrative requirements (such as dealing with three schools committees and preparing three sets of reports), a more streamlined organization (dealing with a single school committee and preparing and submitting only a single set of reports) can allow the superintendent to devote more time providing instructional leadership, including supporting and developing school-level administrators so that they are better equipped to use effective supervision practices.

Because of the reduction of these meeting and reporting responsibilities, district personnel will also have the time to take some of the non-instructional burden off the plate of school administrators—e.g., handling emergency maintenance issues and special educational planning and reporting. That will provide school principals and assistant principals with additional time to observe and support their teachers, partly by implementing procedures and skills that they already possess but currently don't have time to use, and partly by working to increase their proficiency in using these procedures and skills, and to develop and implement new ones. The important point here is that the Commonwealth is requiring administrators at all levels to focus more attention on instructional leadership, and regionalization provides the means of increasing the proportion of administrative time at all levels that is devoted to instructional leadership.

The RAWG envisions a cascading effect: more time devoted to instructional leadership by all professional staff → improved classroom conditions → deeper and more meaningful student learning. Effective district and building leaders create the conditions (including appropriate professional development and time) for school counselors, school psychologists, and

teachers to develop leadership and facilitation skills, so that the school staff can collaboratively work on curricular, instructional, assessment, and human development issues.

While being attracted by the advantages of having all teachers using effective practices and all students developing the kind of commonality that fully prepares them to work with students from the other towns, the RAWG embraced the principle that regionalization must provide this commonality in ways that not only empower teachers and students to develop their own individuality, pursue their special interests, and cultivate their singular talents, but also enable schools to maintain and enhance their own cultures and distinctiveness. The RAWG became convinced that commonality and individuation are not only mutually compatible, but also desirable.

An expanded regional district has flexibility for assigning students to schools. The RAWG does not envision movement away from schools that serve communities, but those communities do not need to be defined by town lines. Thus expanding the grades in the region provides opportunities to reassign students so that each school has a sufficient number of students to make it functional or is relieved from overcrowding. Also, it can provide additional options for parents who want to have their children remain in the public (non-charter) schools within their district. Similarly, because an expanded region will include staff with substantial experience in addressing a wide range of special needs, it can provide additional options for parents of students with less common or more demanding needs.

### Governance Recommendations

The first set of governance issues discussed and agreed upon by the RAWG focus on the Regional School Committee (RSC) itself. The RSC is the governance body for the region. The creation of a preK-12 region will create significant change in the relationship to the towns and its residents since town-based school committees will no longer exist (unless a town decides against having its elementary school participate in the region).

There are five possible methods allowed by Massachusetts law (M.G.L. Chapter 71, Section 14E) to comply with the constitutional concept of “one person, one vote.” Of these, the RAWG recommends Method #3 - electing members with residency requirements in district-wide elections to be held at biennial state elections. This would mean that every voter in all four towns would get to vote for representatives from all the towns. Candidates for each Regional School Committee position could only be filled by residents of the town designated for the seat. This process would shift elections from the current schedule at spring town elections to state elections every two years. Any other schedule for district-wide elections would require legislative action to specifically exempt the region from the state law.

It is worth noting that for a region only the Regional School Committee can make appointments to fill vacancies, which is different from the current process for town school committees. The RAWG did not vote on a recommendation but in 2013 the RSDPB Governance Subcommittee Committee recommended that appointments to fill vacancies on the Regional School Committee be made by majority vote of that body. The details of the process by which the Regional School Committee deals with filling vacancies will need to be established by policy rather than in the regional agreement. As noted later in this document, such votes would be by majority vote of the RSC.

The RAWG recommends that RSC members be elected in district wide elections with a residency requirement of 7 members from Amherst, 2 members from each of the smaller towns participating on the Pk-12 level and one member from town(s) participating on the 7-12 level. Each member will have full voting rights on all issues. Even though members of the Regional School Committee will be representing the entire multi-town region, it was recognized that since residency requirements will be the basis for eligibility, and residency can influence perspective, thoughtful distribution of residency of school committee members was important.

The recommended composition of the Regional School Committee is premised on the fact that Amherst should always have a majority of members in relation to the maximum representation from the other towns combined. The RAWG is cognizant of not having too large a committee but the recommended configuration seems to be the smallest practical size given the issue of balancing representation.

The RAWG recommends that the length of the term for RSC members be four years and that the terms be staggered. It was felt that with biennial elections, a two-year term would be too short for members to be effective, especially with current terms lasting three years. Since terms would need to be factors of two years, it was determined that four years was sufficient but not too long.

The next area of focus by the RAWG is regarding the regional agreement. Since its creation, the Amherst-Pelham Region has required a 2/3 vote of the Regional School Committee to initiate sending an amendment of the regional agreement to the member towns. If that is achieved, the amendment is then sent to the Town Meetings of each town, according to state procedures for consideration of matters at a town meeting. In order for a proposed amendment to the regional agreement to pass, it must be approved by a majority vote of town meeting for all member towns (currently four of four town meetings). The RAWG recommends that this procedure be maintained for a newly configured preK-12 region.

The RAWG recommends that decisions at School Committee meetings should require a majority vote for approval except when specifically provided and that those only include proposals to amend the Regional Agreement, close a school, and to employ or terminate the employment of a Superintendent. The RAWG recommends that for hiring and terminating the employment of a Superintendent, that the vote be 2/3 of the members of the body. For votes to close a school, the RAWG recommends 8 votes by members be required.

The RAWG recognized that for the expanded region to be viable, Amherst must participate. Among the other towns currently participating in the 7-12 region, at least one other town must participate. For those towns choosing not to join immediately, the RAWG considered the concept of an "on-ramp" to allow for subsequent entry to the region; the "on ramp" only applies to towns currently in the 7-12 region. For such a town, the RAWG adopted the following resolution: "Resolved, that there is a provision in the regional agreement for allowing non-participating towns to enter into the region at the PreK-6 level without necessitating reopening the regional agreement. A "non-participating town" refers to any town that is a member of the region at the 7-12 level but has chosen not to participate in the region at the PreK-6 level when the full PreK-12 region is first formulated. Further, that there will be a protected period (to be determined) while the newly formed region is solidified when non-participating towns will not be able to fully join at the PreK-6 level. After the protected period, when nonparticipating towns

want to fully join at the PreK-6 level, an impact study of this expansion will be conducted by the Superintendent. The regional school committee and the non-participating town will negotiate in good faith to come to agreement regarding how to mitigate any impact of the non-participating town's participation. If the parties agree on a way to mitigate any identified negative impacts, the non-participating town will be welcomed at the PreK-6 level.”

The RAWG recognizes that towns need to retain the option to withdraw from the region if a member town deems that appropriate. The RAWG voted to recommend that the process outlined in the current regional agreement in Section XII be maintained. Withdrawal from the region is essentially an amendment to the regional agreement and as such the process would be the same as any other amendment – 2/3 vote would be required by the RSC to initiate the process followed by a majority vote by all participating Town Meetings. It is worth noting that while this provides a helpful clearly articulated process for a town to withdraw from the region, in order for the petitioning town to withdraw the remaining towns must vote to release it via the majority vote of their town. This is the current language of the regional agreement.

The RAWG also took up the question of entry into the region by towns other than Amherst, Leverett, Pelham and Shutesbury. The issue addresses the situation where another town, not currently part of the grade 7-12 region, wants to join the expanded region in the future. The RAWG voted to recommend that the current language of the Regional Agreement Section XI be maintained. It is worth noting that there are no geographic or other requirements identified regarding newly considered towns.

The RAWG considered the process for town meetings to approve the recommended changes to current regional agreement. As noted in the current regional agreement, the first required step is for the proposed amendments to be approved by 2/3 vote of the current Regional School Committee. If this occurs and the issue is brought to the Town Meetings of Amherst, Leverett, Pelham and Shutesbury, the RAWG agreed, in accordance with the RSC's counsel, that there should be two questions placed on the town warrants. It was recommended that these be considered in the following sequence (exact wording not offered here):

- Vote 1: will ask the town to amend the current regional agreement
- Vote 2: will ask towns (other than Amherst) whether to include its elementary school in the newly configured region. (See on-ramp language regarding a consequence of a “no” vote.)

The RAWG recommends that for the three towns (other than Amherst) required to take a vote on participation in an expanded region for grades PK-6, that the vote be to “opt in”, an affirmative vote of participation, and that both votes occur at the same Town Meeting. Towns will likely convene their town meetings on different days.

#### Recommendations for school building ownership, closing, and use

**School Building Ownership:** There was general agreement that the school buildings should remain the property of the towns in which they reside and not become the property of the district. There was also agreement on the responsibilities of the town and the district pertaining to the building. Both provisions are explained in more detail in the Financial analysis and recommendations section of this report.

**School Closing:** The purpose of the school closing recommendation is to ensure a lengthy and open process should the district determine that the use of a school building should be discontinued to maintain the viability of the district – although the assumption is that the main reasons for having to take such action would be due to financial pressures, to declining enrollment, or to the deteriorating physical condition of a school building. There may be other situations that might lead a district to consider this drastic action. It will be essential that there is thorough and careful consideration of the need for this action and that there is a transparent process allowing for public participation in the discussion. The elementary schools have been essential to building community cohesion and pride and they are community centers for recreation and other purposes when not needed for education uses. That relationship with the schools will continue. The incorporation of the recommended process in the Regional Agreement will assure that the Region is committed to the schools while enabling future School Committees to take appropriate action if warranted.

This clause does not apply to situations where a cataclysmic event compromises the safety and integrity of a school building – this situation is governed by other laws which supersede Regional Agreements.

Since most decisions to close schools are due to financial considerations, there was general agreement that a town should have the right to “buy” its way out of the potential closing of school building within its town by a town meeting vote.

**School Use:** This area concerns the change of grade structure in a school, the possibility of one of the schools becoming an Innovation or magnet school or any other major change in how a school is configured or used. The law is not entirely clear about whether such decisions are matters of educational policy (the school committee's domain) or administrative operations (the superintendent's responsibility). To the extent that decisions are within the purview of the superintendent, the RAWG recommends that there will be a lengthy and open process before the use of a school is changed.

The RAWG recommends that the Regional Agreement include a specific process similar to that suggested for school closings. The process would begin with a study of the proposed action. The study would be conducted at least one year in advance of announcing that the option to change use is being considered. The announcement would be triggered by either a vote of the School Committee or the Superintendent notifying the School Committee. Under extraordinary circumstances this timeline could be amended. The study should include:

- A fiscal analysis to determine the effect on the regional school budget and assessments to member towns
- A study of the educational options and the impact on the school in question and the region as a whole
- An analysis of population trends in light of a change in use
- At least 2 public hearings to be held in the town whose school is subject to such a change in use; one hearing before the the study and one before a decision is made If the decision to change the use of the school will be made by the School Committee, the RAWG recommends that the process include additional requirements to make it similar to a decision to close a school.

### Financial analysis and recommendations

The RAWG did substantial analysis of the financial benefits and costs to expand the region to include grades PK-6. We considered these matters from both the perspective of the Region and the four towns. When it was functioning as the RSDPB, we obtained help from a financial analyst with substantial experience in Massachusetts school finance, Mark Abrahams. This information established a foundation for the RAWG's understanding of financial matters. With assistance from School Business Director Sean Mangano and Amherst Finance Director Sandy Pooler, the RAWG expanded upon the information and analysis provided by Abrahams and considered the full range of financial issues for the hybrid regional model that we recommend, again for both for the Region and the four member towns.

To consider whether the region and the member towns will financially benefit by adding grades PK-6 to the region, a comparison must be made between what the towns spend on education currently and what they would need to spend after the proposed change is implemented. (See Appendix B.) To determine the amount that a town allocates to supporting education, there are three things to include. One is the budget for the elementary school(s). Second is the assessment to the current Region for students in grades 7-12. The third is referred to as "town-based costs" and includes expenditures for the schools that are part of other town budgets. The two most significant elements of town-based costs are the obligations to school retirees and capital expenses for work on the elementary school(s). The RAWG calculations assume that the obligation to retirees for the period when the employee worked for the town will remain with the town and that obligation for current and future employees of the region will be obligations of the region. Capital expenses for such things as equipment (buses/vans), IT equipment (computers), and interior upgrades are shifted to the region. Town debt for elementary school buildings would stay with the towns. There will be some new revenue if elementary grades are included in the Region, such as additional regional transportation aid.

The immediate overall net reduction in spending for the four towns would not in itself justify making this change. The reduction in the total spent on education would decrease by about 2%, assuming that all towns participate for grades PK-6. The comparison of the resources allocated to education between the year preceding regionalization of elementary school and the year in which it is implemented will be different for each town and vary, depending upon which towns participate for grades PK-6 and the assessment method.

One reason for the RAWG recommendation to expand the region to include elementary grades is that two of the four towns, Pelham and Leverett, are facing significant financial challenges to maintain the current structure of our educational structure. The concern is the financial sustainability of our Towns and the Region. There are several factors that contribute to the uncertainty about school finances. On the revenue side the major uncertainties are the health of the state budget and its support through Chapter 70, regional transportation assistance, and other support for schools and towns; and local development that allows increases in taxation above 2.5% without an override. On the expense side are costs that can be affected by inflation including employee health care, enrollment trends, special education needs, and students leaving for charter, or School Choice. The decision to accept School Choice is a tool for districts to respond and bring in some additional revenue when they have the capacity to do so and is usually due to low enrollment and tight budgets. Regionalization will provide more flexibility for management responses to address financial problems. Considering projections for enrollment and revenues, it is possible that one or more towns will have difficulty supporting its current



elementary school and the assessment that will be needed for the present (7-12) region. The result could be that a town in that position would not be able to support the regional budget, affecting the education for students of all four towns.

Massachusetts General Law Chapter 71, Section 14B requires that Regional Agreements include a section that sets forth the assessment method. The RAWG Finance Committee considered the current method used by the region (the 5-year rolling average of enrollment) and the statutory default formula and applied both to the possible scenarios that could result from a hybrid region: (1) Four town PK-12; (2) Three town PK-12 and Shutesbury 7-12; (3) Three town PK-12 and Leverett 7-12; (4) Two town PK-12 and Shutesbury and Leverett 7-12. No analysis was done for a three-town PK-12 scenario with Pelham as a member for 7-12 because it is the least likely alternative.

In order to do so, there has to be a method to divide costs between the PK-6 portion of the Region's budget and the costs for grades 7-12. One advantage to a PK-12 region is that there is a single budget, which provides flexibility for management. Fortunately, there is already a hybrid district in the Commonwealth, the Mohawk Regional District. Charlemont, Hawley and Rowe have elementary schools that are separate from the Region but are members of the region for grades 7-12. The method developed by Mohawk and incorporated into its Regional Agreement works well for them and enabled us to create the model budgets and project assessments for each town for the four scenarios described in the previous paragraph. We recommend incorporating that method into the revised Regional Agreement.

As noted, RAWG Finance Committee considered two assessment methods. That work was suspended when the Regional Assessment Method Working Group was created and asked to consider the assessment method for the Region as currently structured. Becky Torres and Andy Steinberg were members of both Working Groups and the RAWG Finance Committee. The two processes were coordinated. The Assessment Method Working Group considered the effect of regionalization of elementary schools as it studied alternative assessment methods. It concluded based on a simulation comparing the distribution of assessments under a grade 7-12 regional district to a grade PK-12 regional that the assessment methods it considered do not produce dramatically different distributions of assessments for a PK-12 regional school district compared to the existing regional school district. These projections assumed that all four towns would participate in the region for grades PK-6.

The Assessment Method Working Group did not consider the effect of regionalization if one or more towns decide that it will support the proposed change in the regional agreement but that its elementary school will not be a part of the regional district. The RAWG analysis indicates that the total cost for education for each town will depend upon the towns that participate for grades PK-6 and the assessment method, which will be determined by Town Meetings in separate votes as they decide whether to adopt the alternative method.

It is possible that one or more towns could have a reduction in its total expenditure for educating students in grades PK-12 and other towns have an increase. As noted, that will depend upon Town Meeting actions on the assessment method and participation for PK-6 in the expanded region. We therefore recommend that the Regional Agreement include a provision that addresses equity during the first two years by setting a stringent cap on each towns' regionalization "savings" (defined as the difference between its FY 2015 total resources spent on education without regionalization of elementary schools and its pre-adjusted total resources spent

on education with regionalization) during Year 1 and a less stringent cap during Year 2, and distributing any savings that are over the cap to towns that face increases.

There are two possible approaches to ownership and use of school buildings in a regional district that is assuming the operation of schools previously built and managed by a town. One model is to have the Region buy the building from the town and then assume any related debts and all responsibility for the building. The other model is to have the town continue to own the building and lease it to the Region at a nominal cost. As reflected in the recommendations set forth in the previous paragraph, the RAWG recommends that the towns continue to own current buildings. These are significant community assets. As with current regional buildings that are made available for other community uses, such as the Amherst Town Meeting use of the Middle School Auditorium, buildings can be made available for other town purposes consistent with educational needs and priorities, whether owned by the Region or operated through lease. But the town ownership is significant for community pride and provides the town with use of the facility if it is no longer needed for educational purposes.

The provisions about decisions to discontinue the use of a building as a school or to significantly change the use are discussed elsewhere in this report. From a financial perspective, one resulting consequence may be that there is an obligation to the Massachusetts School Building Authority (MSBA) because of financial assistance it provided to build or renovate the facility. Under some circumstances, MSBA has a right to seek reimbursement from a town that discontinues the use of a building under terms that are inconsistent with the agreement that was made when the funds were provided. We recommend the inclusion of a provision that will determine whether any such liability would be assigned to the town or to the region, depending upon which party made the decision that led to the MSBA claim.

#### Issues for consideration with no recommendation

The RAWG identified some issues for which it has no recommendation.

##### 1. Shift from Town-Based School Committees to Regional School Committee.

For towns that agree to regionalize into the expanded preK-12 region, it is important to note that going forward such a town will no longer have a town-based school committee. The RAWG understands that town school committees have, to varying degrees, been involved with district related issues such as educational approach, budget appropriation, and hiring/supervision of the superintendent. In a preK-12 region, these areas would be handled by the Regional School Committee rather than town officials. As a result the RAWG recognizes that this may raise issues commonly characterized as “local control”.

The RAWG explored innovative methods to incorporate issues related to “local control” into its recommendations however due to the limitations imposed by Massachusetts law, in particular Massachusetts Education Reform of 1993, the submitted recommendations do not explicitly reflect matters of local control.

##### 2. Town versus Regional Needs

The RAWG acknowledges that each member of a preK-12 Regional School Committee elected through district-wide elections, will need to balance her/his primary responsibility to

represent the needs of the region with an appreciation of the perspectives/needs of her/his town of residence. In this context, local control cannot and should not be a clear-cut matter.

### 3. Issues that Cannot Be Codified in a Regional Agreement

The regional agreement is an agreement among the towns and can only address issues within the purview of the towns or a school committee. Following Massachusetts Education Reform of 1993, much of the decision-making previously held by school committees (either town or region-based) legally shifted to the superintendent, removing oversight and controls from a school committee. This is important since in the course of its deliberations, the RAWG sought to codify certain issues that were deemed important to the towns. Since under the law these issues cannot be assigned to a regional school committee and are operational in nature (under purview of the superintendent), they cannot be codified in the regional agreement. For issues important to the Regional School Committee, such as those of local control, the RAWG suggests that guidance be set through the Committee's policy making process.

### 4. Name of an Expanded Region

Another issue the RSC should address is the name of an expanded preK-12 region; it can remain the same or be different. The official name of the current grade 7-12 region is the "Amherst-Pelham Regional School District". The name was determined from historical developments; the towns of Amherst and Pelham regionalized first, with Leverett and Shutesbury joining by amendment to the regional agreement two years later. At that time the name of the region was not changed. It was recommended by the RSC counsel that if a change in the name were to occur it should happen as part of the amendment process since there are various implications and requirements associated with a name change.

### 5. Union #26 and Union #28 Process

Currently Amherst and Pelham comprise Superintendent Union #26 and Leverett and Shutesbury are members of the 5-town Superintendent Union #28. These affiliations must be changed for the preK-12 region to be implemented, even if the Annual Town Meetings of Amherst, Leverett, Pelham and Shutesbury agree to amend the current regional agreement. For Leverett and Shutesbury this would involve the respective school committees voting to terminate their participation in Union #28. Since Massachusetts Law defines a Superintendent Union as being comprised of two or more towns, the situation is more complicated for Amherst and Pelham. Both town school committees could vote to dissolve Union #26 or one school committee could vote to terminate its participation, effectively dissolving the Superintendent Union. A majority vote of a school committee, not a vote by Town Meeting, enables withdrawal or dissolution regarding Superintendent Unions. Guidance is provided by MGL Chapter 71, Section 61

## Conclusion

The Regional Agreement Working Group appreciates your support of our efforts to consider the benefits of expanding the region to include grades PK-6. It recommends a Regional Agreement that addresses the needs of the Region and our towns. The next steps (hearing more from the public, considering these recommendations, and deciding what to present to Town Meetings) will be challenging. We are available to you to provide information and support as you undertake these responsibilities.

Regional Agreement Working Group

Amherst: Katherine Appy, School Committee  
Alisa Brewer, Select Board  
Andrew Steinberg, Select Board

Leverett: Ann Delano, Finance Committee  
Kip Fonsh, School Committee  
Julie Shively, Select Board

Pelham: Trevor Baptiste, School Committee  
Jeff Eiseman, Planning board and former member of School Committee  
Mark Santos, Select Board

Shutesbury: Michael DeChiara, former member of School Committee  
Elaine Puleo, Select Board  
Becky Torres, Town Administrator

Appendix A

**RAWG Agreements That Serve as Basis for Recommendations to the Regional School Committee**

<b>Governance</b>	<b>Date/ Decision</b>	<b>Reference for Current Regional Agreement</b>	<b>Agreed Upon Language or Conceptual Framework</b>
District wide voting	Voted June 12, 2014	Sec. II c	RAWG recommends Option #3 as identified in MGL 71, Sec 14E stating that “A regional school district may, by amendment to its regional school district agreement, provide for one of the following options concerning the members of its regional district school committee; (3) electing members with residency requirements in district-wide elections held at the biennial state elections
Composition of School Committee	Voted June 12, 2014	Sec II a	The RAWG recommends that “RSC members be elected in district wide elections with a residency requirement of 7 members from Amherst, 2 members from each of the smaller towns participating on the Pk-12 level and one member from town(s) participating on the 7-12 level. Each member will have full voting rights on all issues.”
School Committee Terms	Voted June 12, 2014	Sec II c	“To recommend that the length of the term for RSC members be four years and that the terms be staggered.”
Number of votes needed to amend regional agreement	Voted Sept 30, 2014	Sec. IX a	The current language in the Regional Agreement, Section XIV will remain. This requires a 2/3 vote by the RSC to send an item for amendment to the town meetings and a majority vote of each participating town for an amendment to the Regional Agreement to be approved.
“On ramp”/ time limits for participation in expanded region	Voted Sept 30, 2014	Not in Regional Agreement	“Resolved, that there is a provision in the regional agreement for allowing non-participating towns to enter into the region at the PreK-6 level without necessitating reopening the regional agreement. A "non-participating town" refers to any town that is a member of the region at the 7-12 level but has chosen not to participate in the region at the PreK-6 level when the full PreK-12 region is first formulated. Further, that there will be a protected period (to be determined) while the newly formed region is solidified when non-participating towns will not be able to fully join at the PreK-6 level. After the protected period, when nonparticipating towns want to fully join at the PreK-6 level, an impact study of this expansion will be conducted by the Superintendent. The regional school committee and the non-participating town will negotiate in good faith to come to agreement regarding how to mitigate any impact of the non-participating town's participation. If the parties agree on a way to mitigate any identified negative impacts, the non-participating town will be welcomed at the PreK-6 level.”
Withdrawal from region	Consensus to keep status quo	Sec XII	Agreed to keep current language of Regional Agreement Sec XII. Same as any other amendment – 2/3 vote by RSC, majority vote by all participating Town Meetings.

Process for admission of towns not currently participating in 7-12 region	Consensus to keep status quo	Sec XI	Agreed to keep current language of Regional Agreement Sec. XI. This pertains to any town that is not currently a member of the secondary region.
Vote requirement for School Committee action	Voted Sept 30, 2014 for items 1,2 & 4 Voted Jan. 7, 2015 for item 3	1. New 2. Amendment to agreement Sec XIV 3. New 4. Employing Superintendent Sec VI h	1. All school committee actions will require a simple majority except as specifically provided and noted below. 2. The Regional School Committee is required to have a 2/3 vote of its members to initiate process to amend the regional agreement (current, unchanged) 3. The Regional School Committee will be required to have 8 votes to close a school 4. The Regional School Committee will be required to have 2/3 vote to hire or terminate employment of a superintendent.
Sequence of Annual Town Meeting votes	Voted Oct 15, 2014 Voted Jan. 7, 2015 to hold both votes at same meeting and for "opt in" language	Not in regional agreement	It was agreed that there will be two votes put on the Town Meeting warrants of each town: Vote 1: will ask the town to amend the current regional agreement Vote 2: will ask the town if it seeks to join the newly configured region or not. (see on-ramp language regarding consequence of a "no" vote)  Agreed that both votes will be held at same town meeting. Agreed that warrant will ask town votes to opt in to PK-6 participation
<b>Finance</b>	<b>Date/ Decision</b>	<b>Reference for Current Regional Agreement</b>	<b>Agreed Upon Language or Conceptual Framework</b>
Even distribution of savings	Voted Aug. 19, 2014	Not in regional agreement	"Resolved, that the RAWG recommends an approach to address the issue of equity during the first two years that involves setting a stringent cap on each towns' regionalization "savings" (defined as the difference between its FY2015 total resources spent on education without regionalization and its pre-adjusted total resources spent on education with regionalization), during Year 1 and a less stringent cap during Year 2, and distributing any savings that are over the cap to towns that face increases."
Transportation	Voted Oct 15 to keep status quo with tweaks to reflect hybrid	Sec X	The assumption is that there will be modifications for elementary schools also participating at the Prek-6 level in the region.

Budget Process	Consensus to keep status quo. Suggestion to be cognizant of need for various points of input. Not voted.	Sec VII	Agreed to keep substance of Regional Agreement Sec. VI. Need to adapt to address new configuration and possibility of hybrid.
Assessment methodology	Voted Jan. 7, 2015	Sec VI e	<p>The apportionment of operating costs shall be determined in accordance with the following procedure:</p> <p>First: The Committee shall determine the proportion of the annual budget representing costs associated with the provisions of services to grades seven through twelve and the proportion representing costs associated with all other services including services to grades kindergarten through six.</p> <p>Second: The Committee shall determine the average enrollment share of each member town in grades seven through twelve, inclusive. For this purpose, average enrollment share shall equal, for each member town, its five-year average proportionate share of total student enrollment in the district schools for grades seven through twelve, as of October 1 in each of the five years immediately preceding the year for which such allocation is to be made.</p> <p>Third: The Committee shall apportion costs of grades seven through twelve, inclusive, to the Towns that decide to only participate in the Region for grades 7 through 12 in direct proportion to each town's five-year average share of student enrollment in grades seven through twelve, inclusive.</p> <p>Fourth: The total budget, less the shares allocated to the Towns that decide to only participate in the Region for grades 7 through 12, shall be apportioned among the district's six remaining member towns on the basis of each member town's five-year average student enrollment share. For purposes of this calculation, average enrollment share, for each of the K-12 Member Towns shall be based on its five year average proportionate share of total student enrollment in the district schools.</p>

School Buildings	Date/ Decision	Reference for Current Regional Agreement	Agreed Upon Language or Conceptual Framework
School location	Voted Oct. 15, 2014	Sec. IV a	“The Regional District Schools shall be located within the boundaries of the four towns that comprise the Region.”
School building ownership	Voted Oct. 15, 2014 to use provision from 2013 draft PK-6 agreement	Provisions for maintenance of current buildings in Sec. III. Different section needed for elementary schools since they will be leased from towns, not owned by district.  See also Sec. VI g	<p>There was general agreement that the school buildings should remain the property of the towns in which they reside and not become the property of the district. There was also agreement on the responsibilities of the town and the district pertaining to the building.</p> <p>Each Participating Town shall retain ownership of its own building(s) and lease it/them to the Region for a twenty-year lease at the annual rental of one dollar. Such lease may be automatically renewed for additional periods of twenty (20) years without further action of the District or the Participating town so long as the Participating Town is a member of the District.</p> <ol style="list-style-type: none"> <li>1. The Participating Town which owns the building shall be responsible for: <ol style="list-style-type: none"> <li>a. maintaining the integrity of the building and its systems, such as the roof, electrical system, plumbing, HVAC, water and sewer, flooring, grounds, parking lots, walkways, accessory buildings, and the shell of the building including windows, and doors; and</li> <li>b. capital improvements to the building and grounds of the school(s).</li> </ol> </li> <li>2. The District shall be responsible for: <ol style="list-style-type: none"> <li>a. maintaining interior fixtures and furnishings, as well as the cosmetic upkeep of the interior surfaces; network and telephone infrastructure; and</li> <li>b. capital purchases such as electronics and furnishings.</li> <li>c. The Region shall be able to modify the building interior or exterior to accommodate its operational needs with the approval of the town in which it is located. Any improvements will become the property of the Participating Town.</li> </ol> </li> </ol>



<p>School building closing which results in the building no longer being use for educational purposes</p>	<p>Voted 9/30 &amp; 10/15/14</p> <p>Includes recommendation to adopt language from 2013 draft created for preK-6 model</p>	<p>Not in regional agreement</p>	<p>The purpose of the school closing recommendation is to ensure a lengthy and open process should the district determine that the use of a school building should be discontinued to maintain the viability of the district – although the assumption is that the main reasons for having to take such action are financial, declining enrollment, or the deteriorating physical condition of a school building we did not want to preclude other situations that might lead a district to consider this drastic action. Closure is defined as no longer assigning students to a particular school.</p> <p>This clause does not apply to situations where a cataclysmic event compromises the safety and integrity of a school building – this situation is governed by other laws which supersede regional agreements.</p> <p>There was general agreement that a town should have the right to “buy” its way out of the potential closing of school building within its town by a town meeting vote.</p> <ol style="list-style-type: none"> <li>1. The process to consider closing of a school will begin with a vote by the RSC.</li> <li>2. Closure of any school within the regional school district will not be done without: <ol style="list-style-type: none"> <li>a. A feasibility study approved by a majority vote of the RSC (Regional School Committee) and conducted under the direction of the RSC at least one year in advance of the vote for a proposed closing. Under extraordinary circumstances this timeline may be modified by a majority vote of the RSC members.</li> <li>b. A complete fiscal analysis to determine the financial impact on the regional budget, and the individual assessments to the member towns.</li> <li>c. A review of the educational organizational options and their impact.</li> <li>d. A review of population trends to determine the long term impact of the closing.</li> <li>e. There will be at least two public hearings held: one prior to the RSC vote on whether or not to conduct a feasibility study and at least one after the completion of the feasibility study but before the RSC vote on the closing.</li> </ol> </li> <li>3. The vote following the study and public hearing, to decide about closing a school must be by a vote of 8 school committee members.</li> </ol> <p>The town affected by the RSC vote still maintains control of and ownership of the facility and may utilize the facility as it sees fit.</p> <p><u>Town Option</u> A town affected by a school closing may vote additional capital and/or operational funds (over and above the assessment) required to keep the school open</p>
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<p>Change in school use  (building continues operating for educational purposes)</p>	<p>Voted 10/1514 to adopt language from 2013 draft created for preK-6 model</p>	<p>Not in regional agreement</p>	<p>School Use: This area concerns the change of grade structure in a school, the possibility of one of the schools becoming an Innovation or magnet school or any other major change in how a school is configured or used. The law is not entirely clear about whether such decisions are matters of educational policy (the school committee's domain) or administrative operations (the superintendent's responsibility). To the extent that decisions are within the purview of the superintendent, the RAWG recommends that there will be a lengthy and open process before the use of a school is changed.</p> <p>The RAWG recommends that the Regional Agreement include a specific process similar to that suggested for school closings. The process would begin with a study of the proposed action. The study would be conducted at least one year in advance of announcing that the option to change use is being considered. The announcement would be triggered by either a vote of the School Committee or the Superintendent notifying the School Committee. Under extraordinary circumstances this timeline could be amended. The study should include:</p> <ul style="list-style-type: none"> <li>• A fiscal analysis to determine the effect on the regional school budget and assessments to member towns</li> <li>• A study of the educational options and the impact on the school in question and the region as a whole</li> <li>• An analysis of population trends in light of a change in use</li> <li>• At least 2 public hearings to be held in the town whose school is subject to such a change in use; one hearing before the study and one before a decision is made If the decision to change the use of the school will be made by the School Committee, the RAWG recommends that the process include additional requirements to make it similar to a decision to close a school.</li> </ul>
<p>MSBA claim for reimbursement due to school closing or change of use</p>	<p>Motion to adopt the following language from Sect IV, f of the June 2013 draft regional agreement for PK-6 region</p>		<p>Change in use of school buildings built with MSBA grants - If the MSBA (1) concludes that proposed change in use for an elementary school building is such that it no longer remains in compliance with the Project Funding Agreement relating to that building, and (2) determines, under M.G. L. Chapter 70B §15 and 963 CMR 2.21, or successor laws and regulations, that MSBA should be reimbursed for any portion of the financial assistance it provided for that building, then the responsibility for such reimbursement shall be determined as follows:</p> <ol style="list-style-type: none"> <li>1. If the District, acting through the Committee, and the Participating Town, acting through its Board of Selectmen, decide that it is in their mutual interest to change the building's use, then the two parties will negotiate between themselves how to meet the obligation to reimburse MSBA. If they cannot reach agreement, they shall appoint an arbitrator to do so; the parties may use the American Arbitration Association or similar organization to facilitate such selection.</li> <li>2. If one of the parties makes a unilateral decision to discontinue the previously approved use despite the opposition of the other, then the party making such unilateral decision shall be obligated to reimburse MSBA. Notwithstanding the foregoing sentence, if the District makes the unilateral decision to discontinue the permissible use and MSBA determines that the amount to be reimbursed depends upon either the potential use or the amount received from the Participating Town's subsequent sale or lease of the building, then the District shall recover from the Participating Town that portion which exceeds the property's market value to reduce its obligation to MSBA under this provision.</li> </ol>

## Comparisons of region structure

	Amherst	Pelham	Leverett	Shutesbury	Total
Current towns' school spending	\$32,213,901	\$2,730,815	\$3,809,860	\$3,417,815	\$42,172,391

<u>4 town PK-12 Region</u>	<b>Amherst</b>	<b>Pelham</b>	<b>Leverett</b>	<b>Shutesbury</b>	Total
Alternative Assessment Method	\$32,261,802	\$2,426,976	\$3,289,030	\$3,589,906	\$41,567,714
Difference from current	\$47,901	(\$303,839)	(\$520,830)	\$172,091	(\$604,677)
Statutory Assessment Method	\$32,350,808	\$2,597,454	\$3,539,374	\$3,080,077	\$41,567,713
Difference from current incl. Medicaid	\$136,907	(\$133,361)	(\$270,486)	(\$337,738)	(\$604,677)

<u>3 town PK-12 Region, Shutesbury 7-12</u>	<b>Amherst</b>	<b>Pelham</b>	<b>Leverett</b>	Shutesbury	Total
Alternative Assessment Method	\$32,375,734	\$2,434,615	\$3,299,605	\$3,419,661	\$41,529,615
Difference from current incl. Medicaid	\$161,833	(\$296,200)	(\$510,255)	\$1,846	(\$642,776)
Statutory Assessment Method	\$32,097,257	\$2,579,366	\$3,513,926	\$3,339,066	\$41,529,615
Difference from current incl. Medicaid	(\$116,644)	(\$151,449)	(\$295,934)	(\$78,749)	(\$642,775)

<u>3 town PK-12 Region, Leverett 7-12</u>	<b>Amherst</b>	<b>Pelham</b>	Leverett	<b>Shutesbury</b>	Total
Alternative Assessment Method	\$31,845,977	\$2,395,675	\$3,808,098	\$3,545,690	\$41,595,440
Difference from current incl. Medicaid	(\$367,924)	(\$335,140)	(\$1,762)	\$127,875	(\$576,950)
Statutory Assessment Method	\$31,936,059	\$2,567,350	\$4,057,171	\$3,034,860	\$41,595,440
Difference from current incl. Medicaid	(\$277,842)	(\$163,465)	\$247,311	(\$382,955)	(\$576,951)

<u>2 town PK-12 Region, Leverett &amp; Shutesbury 7-12</u>	<b>Amherst</b>	<b>Pelham</b>	Leverett	Shutesbury	Total
Alternative Assessment Method	\$31,916,214	\$2,402,145	\$3,807,666	\$3,419,317	\$41,545,342
Difference from current incl. Medicaid	(\$297,687)	(\$328,670)	(\$2,194)	\$1,502	(\$627,049)
Statutory Assessment Method	\$31,631,859	\$2,546,483	\$4,041,600	\$3,325,400	\$41,545,342
Difference from current incl. Medicaid	(\$582,042)	(\$184,332)	\$231,740	(\$92,415)	(\$627,049)

For each model, Town names in **bold** are in the region for K-12

Does not adjust for change in assignment of Medicaid revenue from Towns to Region

Currently we are using the alternative method. The net result is that every Town pays the same per student. This is also the method recommended by the Regional Agreement Working Group.