

October 20, 2011

To: Amherst Town Meeting Members  
From: Maria Geryk, Superintendent of Schools and Irv Rhodes, Amherst School Committee Chair  
RE: Warrant Requesting Approval to Form a Regional School District Planning Committee

Beginning in 2008, the Massachusetts Department of Education began a push for small school districts and School Unions to regionalize in an effort to "increase capacity and cohesion." A Regionalization Study Committee consisting of members from Amherst, Pelham, Leverett and Shutesbury was established with the charge to "look at the pros and cons of regionalization, as well as to consider other organizational options that might benefit all of the towns and schools, both educationally and economically." Since that group completed its charge, discussion about regionalization options has continued with both the Shutesbury and Pelham Select Boards appointing Educational Visioning Committees to continue more in-depth research on the impact of various educational scenarios for their communities.

Debbie Gould, Pelham School Committee Chair, informed Superintendent Maria Geryk and Amherst School Committee Chair Irv Rhodes that the Pelham School Committee has agreed to request Town Meeting approval to form a Regional School District Planning Committee (RSDPC). The Pelham RSDPC will have the authority to join with equivalent committees from other towns to thoroughly investigate the financial and educational implications of forming a region, and the Pelham School Committee requested that Amherst consider establishing a RSDPC as well. Since that time, we have been informed that the Leverett and Shutesbury School Committees have also submitted warrants requesting approval of a RSDPC to their respective Town Meetings. After consulting the district's legal counsel for an overview of the regionalization process, the Amherst School Committee agreed to place the warrant before you requesting establishment of an Amherst Regional School District Planning Committee.

**A "yes" vote on this warrant simply provides the ability to look into regionalization options for the Amherst Public Schools. It is in no way a vote for regionalization.** Any such vote would come only after extensive study, negotiation with committees from other towns, and legal review. If the RSDPC decides to recommend a regional agreement to the Town, residents would be provided the opportunity to vote on the merits of the proposed agreement. For further reference on the school regionalization process, please see the attached memorandum from attorney Regina Tate (*Memorandum: Creation of a PK-6 Regional School District Comprised of the Towns of Amherst and Pelham*).

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*Please Respond to Quincy*

**MEMORANDUM**

SUBJECT: Creation of a PK – 6 regional school district comprised of the Towns of Amherst and Pelham

This memorandum is in response to your written request for a general overview of the school regionalization process. As you know, M.G.L. c. 71, § 14B and 603 CMR 41.00 outline the process for establishing a regional school district agreement. It is imperative that the Regional District Planning Board or the Regional School Committee adhere closely to the process outlined below.

**An Overview of the Regionalization Process**

Under M.G.L. c. 71, sects. 14, 14A and 14B, there has to be a Town Meeting vote to create a regional school district planning committee (RSDPC), consisting of three (3) members, one of whom must be a member of the school committee. The Town Meeting Moderator appoints the members of the RSDPC. Under that statute, the RSDPC from two (2) towns can join together to form a regional school district planning board (the Board). The Board is supposed to study regionalization and address certain issues like finances, capital expenditures, etc. to determine if a regional school district should be created. The Board has to issue a recommendation as to whether a regional school district should be created. If it does so recommend, it must submit a proposed regional agreement for submission to the Department of Elementary and Secondary Education, and once approved by DESE, then to the towns for a Town Meeting approval.

However, the DESE has also issued regulations on the regionalization process and has inserted an additional step in the process envisioned by the statutes. According to the

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regulations, for a proposed new regional school district, a Reorganization Needs Conference (the Conference) shall be requested in writing by the Board, to the Department of Elementary and Secondary Education ("DESE"). It is only after the Conference has also recommended the regionalization plan does the DESE then request that Board draft an agreement for its approval. The Reorganization Needs Conference shall include the consideration of a Long Range Education Plan ("LREP") to determine whether the proposed project is in the best interest of the applicant and the Commonwealth. This plan shall address, in writing, the following:

1. The expected educational benefits of reorganization;
2. Current and projected enrollments;
3. An inventory of all educational facilities under the jurisdiction of the various school committees (current and proposed) and any construction efficiencies;
4. The administrative structure, including a current and proposed organization chart;
5. The fiscal benefits;
6. The geographical and physical characteristics;
7. And the transportation economies which would result from the school district reorganization.

After submission of the LREP to the DESE, DESE will either give written notification to proceed or make a written request for additional information. In this case, where the proposal is to establish a new region, the Department would direct the Regional School District Planning Board to draft a District Agreement in accordance with M.G.L. c. 71, §14B. Said agreement must address the following:

- 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 district school or schools are to be located.

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- c. The type of regional district school or schools. Without limiting the generality of the foregoing, the type of regional school may, if it is so stated in the agreement, consist of a vocational school or schools offering such kinds of education as may be provided by towns under the provisions of chapter seventy-four; and any other type of regional school may, if it is so stated in the agreement, offer said kinds of education. A town may simultaneously be a member of a vocational regional school district and any other type of regional school district provided, however, that when a vocational school district is in operation, no member town of such district, and no other type of regional school district of which such a town is a member shall, without the approval of the commissioner of education, offer the same kinds of education as offered by said vocational school district.
- d. 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 several towns comprising the district, 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; provided, however, that in the case of admission such terms shall not be inconsistent with the provisions of section sixteen of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight.
- g. The method by which the agreement may be amended.
- h. The detailed procedure for the preparation and adoption of an annual budget.
- i. Any other matters, not incompatible with law, which the said board may deem advisable.

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See M.G.L. c. 71, §14B.

Once the Agreement has been accepted by all participating municipalities, the Regional District Planning Board or Regional School Committee shall submit the proposed Agreement, as well as the certified votes of the participating municipalities, to the Commissioner for approval. The Commissioner will make a decision based on his review and upon recommendation by the Department that the Agreement meets the standards in 603 CMR 41.00 and other pertinent law. The decision of the Commissioner is final.

**Succinct Timeline**

1. Town Meeting vote in both Amherst and Pelham to create a RSDPC for each town.
2. If yes, then the Town Meeting Moderator appoints the three (3) members.
3. The RSDPC join together to create a Board.
4. The Board generally approves forming a regional school district. The Board submits its recommendation to the Boards of Selectmen in each town.
5. The Board asks the DESE to convene the Conference.
6. The Conference acts, and provides input to the DESE which either directs the Board to proceed with drafting an agreement or obtains additional information from the Board.
7. The Board drafts the agreement and submits to each of the two (2) Town Meetings for their approval. the Town Meeting votes on acceptance of the regional agreement.
8. If approved at both Town Meetings, then the Board submits agreement and the certified votes of the municipalities to DESE for its approval.

