

## Education – Regional School Districts

Statutory Reference: [MGL Ch 71, §14-16I](#)

Summary – Enables towns to form separate regional school districts by agreement.

**Creation** – Upon the recommendation of the regional school district planning board, member towns vote at annual or special town meeting to accept [MGL Ch 71](#), sections sixteen through sixteen I and the terms of the proposed regional agreement. The proposed agreement must be submitted to the Department of Elementary and Secondary Education (DESE) for its approval prior to being presented to the member communities for acceptance. If approved by a majority of voters present in each of the several towns, the proposed regional school district shall be established in accordance with the terms of the agreement approved at the town meetings.

**Governance** – The powers and duties of the regional school district are vested in and exercised by a regional school committee organized in accordance with the regional agreement. [MGL Ch 71, §14E](#) details the options available for membership of the regional committee. Regional school districts are separate governmental entities with additional legal authority. Powers and duties include all those conferred by law upon school committees as well as the following additional authority: to sue or be sued, to acquire property and construct or improve school buildings, to incur debt to acquire land or construct and equip school buildings, to issue bonds or notes, to receive grants or gifts, to engage legal counsel and to employ a school superintendent. By a two-thirds vote, the regional school committee also determines the district's operating budget and the amounts to be assessed to the member communities.

**Finances** – No later than April 30<sup>th</sup>, the district treasurer must certify assessments to the member towns. Prior to the Education Reform Act of 1993, assessments were calculated in accordance with the methodology described in the regional agreement. Since then, assessments are calculated beginning with the state-calculated minimum contributions that are adjusted based on the member municipality's ability to pay. Any spending above these state minimums is allocated based on the terms of the regional agreements.

At least two-thirds of the local appropriating authorities (town meetings) must approve their assessments to achieve a legally adopted regional budget. In a two town district, both communities need to approve their assessments for a legal budget. In the event that the members disapprove the assessment, the budget is returned to the regional school committee. The committee has thirty days to reconsider, revise and amend the budget. Member towns then have forty-five days from the date the amended budget was approved by the school committee to hold a town meeting to act on the revised assessment. If at least two-thirds of the members approve their assessments, the budget is adopted, otherwise it is returned to the school committee again for further revision. The process for two member districts is somewhat different if the towns cannot agree on the revised budget. A district-wide meeting is convened, open to all district voters to consider the school committee's

budget. Approval of the revised budget by a majority of those present constitutes legal adoption of the budget.

A key factor that makes this extended budget approval process workable is the Commissioner of Education's authority to implement a 1/12<sup>th</sup> budget in districts that have not been able to achieve a legal budget by the July 1<sup>st</sup> start of the fiscal year. Without a 1/12<sup>th</sup> budget from the Commissioner, districts would have no spending authority heading into the new budget year.

When debt is authorized by the regional committee, selectmen in the member towns must be notified within seven days of the amount and purpose of the debt. The member towns then have sixty days from the date the debt was authorized by the committee to hold a town meeting to express disapproval of this debt. If a majority of the voters in a single member town disapprove the debt authorization, then the regional school committee shall not incur the debt. The committee is free to prepare another proposal or to re-introduce the same proposal.

**Employee Rights** – [MGL Chapter 71, §42B](#) describes the rights of school employees in regional school districts. Certified teachers and those with professional teacher status are guaranteed positions with the same status in the regional district. They shall also not receive compensation less than they received prior to regionalization. Accumulated sick leave and sabbatical leave is also transferable to the regional district. Other personnel whose positions are superseded by the regional district shall be hired by the regional school committee, provided there is an available position which such person is certified to fill.

**Other** – Prior to 1994, there was a state formula for determining regional school aid ([MGL Ch 71, §16D](#)). This formula provided additional state funding to regional districts based both on relative property wealth of the member communities and the amount the district was spending on education. The formula also offered more generous funding to full K-12 regional districts. Several districts were formed or expanded just prior to the end of this program in 1994. Though there have been some modest regional "planning" grants allocated to districts as recently as FY09, there have not been any meaningful state financial incentives to encourage school regionalization since 1994.