

To: Regional School Committee  
Fr: Regional School District Study Committee  
Re: Issues, Discussions, and Recommendations

October 18, 2012

Following is a list of the issues the Regional School District Study Committee has been analyzing, discussing, and bringing to consensus. Our goal at this time is to share our deliberations to this point and get feedback from members of the Regional School Committee. Based on your feedback, our intent is to communicate with the citizens in Acton and Boxborough, both Boards of Selectmen, both Finance Committees, and any other interested groups. Our recommendations are subject to further discussion as a result of Regional School Committee and comments from the public. The League of Women Voters is sponsoring a public forum at the Acton Town Hall on Tuesday, October 30, 2012 to support communication with the public.

Our Committee was divided into three groups with the goal of being efficient. These three sub-committees have continually provided feedback to the entire Committee. Each sub-committee was constructed to include originally members from each community, appointed Committee members, members from the local elected committees, and the two Superintendents.

**Sub-group A - Construction/Capital/Ownership:** Vince Amoroso (Boxborough Board of Selectmen), Curt Bates (Boxborough Superintendent), Adria Cohen (Acton original Committee appointee), and Pam Harting-Barrat (Acton Board of Selectmen)

**Sub-group B - Operating Budgets/Assessments:** Peter Ashton (Acton original Committee appointee and Co-chair), Mary Brolin (Boxborough School Committee and original Committee appointee), Bob Evans (Acton Finance Committee), and Jim Ham (Boxborough Finance Committee)

**Sub-group C - Transitional Issues:** Kristin Hilberg (Boxborough original Committee appointee), Xuan Kong (Acton-Boxborough Regional School Committee and Acton original Committee appointee), Steve Mills (Acton-Boxborough/ Acton Public Superintendent), and Mac Reid (Boxborough original Committee appointee and Co-chair)

In addition, the committee has formed two additional subgroups. One is the Outreach Subcommittee which will work on publicity and community outreach. This group is composed of Mary Brolin, Kristin Hilberg, Adria Cohen and Pam Harting-Barrat with assistance from several others. The second sub-group is the

Long Range Plan sub-group and is charged with developing the Long Range plan that must be submitted to DESE. It is composed of Xuan Kong, Jim Ham, Peter Ashton and Mac Reid.

An overarching philosophy of the Regional School District Study Committee members is that the fewer changes in the current Regional Agreement the better. Toward that end, many of our recommendations are for no change in the current language. We look forward to your comments and suggestions.

### **Issues, Discussion, and Recommendations**

**Issues:** Should the Region buy or lease all school Buildings? [The Region currently owns the two 7 - 12 buildings] If the Region will own the elementary buildings, should there be any buy-in regarding the building assets of each town?

**Discussion:** If the buildings were "owned" by the Region, the Towns (i.e., the municipal governments) would not be responsible for the maintenance, insurance, snow plowing, etc. for these buildings.

The Region owning the building would follow the same logic, experience, and precedents currently for the Junior and Senior High Schools.

**Recommendation:** The RSDSC recommends that the Region purchase the six elementary buildings for a nominal fee (\$1.00 each). [This includes the old Merriam School which is now the Administration Building.]

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**Issue:** What about current debt?

**Discussion:** Should the cost of service on the current debt be folded into a revised Region? During initial discussion, the committee felt that cost of service on the current debt should remain with each Town as of the date of implementation of a new Regional Agreement. All new debt incurred after the date of implementation of the new Regional Agreement would be the responsibility of the Regional District. As the committee worked through other issues, however, it took on a philosophy that, if we are going to fully regionalize, then we should put everything in the region and treat it all the same. With this guiding principal, the committee concluded that we should include the cost of service on the current debt within the region.

**Recommendation:** The RSDSC recommends that cost of service on the current debt be included in the regional budget.

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**Issue:** Should there be a change in the process to authorize debt?

**Discussion:** There is no compelling reason to change the process to authorize debt.

**Recommendation:** The RSDSC recommends no change in the process to authorize debt.

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**Issue:** Will there be any change in the capital assessment formula?

**Discussion:** There is no compelling reason to make a change in the capital assessment formula.

**Recommendation:** The RSDSC recommends no change in the capital assessment formula.

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**Issue:** Will the assessments continue to be based on a three-year rolling enrollment average?

**Discussion:** There is no compelling reason to change assessments continuing to be based on a three-year rolling enrollment average.

**Recommendation:** The RSDSC recommends no change in assessments continuing to be based on a three-year rolling enrollment average.

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**Issue:** Will there be any change in the operating budget assessment allocation formula (currently apportioned to each town on the basis of a three-year rolling enrollment average)?

**Discussion:** The RSDSC does not see any reason over the long run to change the approach to the operating budget assessment allocation formula, which is apportioned to each town on the basis of a three-year rolling enrollment average. One proposal that was discussed for the division of costs and revenues was that each town would pay for its own students' pre-K-6 expenses.

However, given the inequity that would result if the operating budget assessment were based solely on the three year rolling enrollment average at the outset of regionalization, the RSDSC agreed that the sharing of the benefits

produced by regionalization must result in a change in how the assessments are computed for at least the first five years after regionalization takes effect.

**Recommendation:** The RSDSC recommends no change in the approach to the operating budget assessment allocation formula except that for the first five years the assessment will be based on each town's share of the savings which will be deducted from their respective "base budgets." The "base budget" is defined as the budget in each district as if regionalization had not taken place. In this way both towns are guaranteed to have lower costs with regionalization.

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**Issue:** How will potential savings/benefits be shared?

**Discussion:** The "sharing" here focuses on shared savings between the two towns.

**Specific Issues to be Resolved:** This issue revolves around how to share the estimated \$700,000 additional savings/benefits and make the appropriate cost shifts between the two towns to provide a fair solution to the two towns.

**Recommendation:** The RSDSC recommends a cost-sharing and cost-shifting of resources to be split on average 65% Acton and 35% Boxborough on a sliding scale over the first five years after the commencement of a new Regional Agreement. At that time, the Regional School Committee will review this issue and determine if additional cost shifting is necessary or if costs between the Blanchard Memorial School and the average costs of the five Acton elementary schools are within some percentage difference which will be recommended later. If this is the case, further cost-shifting will be eliminated and the operational budget will be allocated to the two towns based solely on the three-year rolling enrollment average. If the elementary costs have not been made sufficiently close, the Regional School Committee will determine the extent of further cost-shifting; i.e., requiring Boxborough to pay an additional amount until Blanchard's costs are brought within some percentage of the average of the five Acton elementary schools.

In theory the cost shifting mechanism would deduct each town's share of the savings from their respective "base budgets" where the "base budget" is defined as the budget in each district as if regionalization had not taken place. Since

these “base budgets” will not be recomputed in the future and in order to establish concrete language in the revised agreement to ensure lower costs to Acton, in consultation with counsel, it is recommended that the assessment percentage be adjusted in each year to effect a cost shift such that Acton will receive 65% of the savings and Boxborough will receive 35% of the savings. In this way both towns are guaranteed to have lower costs with regionalization. We will continue to work with counsel to define this concept more precisely in the revised regional agreement.

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**Issue:** Should there be a guarantee that all pre-school to grade 6 students can attend an elementary school in her/his hometown?

**Discussion:** The RSDSC believes that parents/guardians should be guaranteed that their children could attend the elementary in a home school with a sunset clause of five years from the date of the legal beginning of a revised Region. This guarantee would extend to siblings and any students who had already started in a specific elementary school. Regional Agreement language should state the possibility of placement in an elementary school in the opposite town for specific special educational reasons. Any lottery would give first preference to Boxborough students in Boxborough and Acton students in Acton.

**Recommendation:** The RSDSC recommends a guarantee of elementary school placement in one’s hometown if requested for a period of the first five years of a new Region. Sibling preference would be guaranteed indefinitely as long as the older sibling is still in that school. Specific language should allow exceptions for special educational purposes. After the five-year period, student school placement would be the responsibility of the Regional School Committee upon recommendation of the Superintendent of Schools.

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**Issue:** Should the Regional Agreement language indicate the location of any new building?

**Discussion:** The current Regional Agreement language stipulates that all regional buildings shall be in Acton or Boxborough.

**Recommendation:** The RSDSC recommends no change in the Regional Agreement language regarding regional school placement.

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**Issue:** Should there be a guarantee that there would always be at least one elementary school in each community?

**Discussion:** Section 4 of the current A-B Regional Agreement states, “The Regional District’s schools shall be located in the towns of Acton or Boxborough or both.”

**Recommendation:** The RSCSC recommends that the revised Regional Agreement should substitute “and” for “or” between “Acton” and “Boxborough” and delete “or both.” The revised language should read, “The Regional District’s schools shall be located in the towns of Acton and Boxborough.” Also include, “Each community will be guaranteed at least one school.”

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**Issue:** Does Section 9 (“Withdrawal of Member Towns”) need to be revised?

**Discussion:** A town can withdraw if it pays any indebtedness and each town receives a 2/3 vote at a town meeting.

**Recommendation:** The RSDSC recommends no change to the “withdrawal” language in the current Regional Agreement.

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**Issue:** Section 12 (“Annual Report”) of the current Regional Agreement needs to be re-examined to see if it is still relevant.

**Discussion:** The current Regional Agreement language states, “The Committee shall on or before July 10 of each year submit an annual report to each of the member towns, containing a detailed financial statement, and a statement showing the method of computing the annual charges assessed against each town, together with such additional information relating to the operation and maintenance of the regional school as may be deemed necessary by the Committee or by the selectmen of any member town, and each member town shall include said report in its annual report.”

The financial books of the school district are not finalized for any fiscal year by July 10. The Acton-Boxborough Regional Superintendent stated that changing this date to October 1 makes this a realistic responsibility.

**Recommendation:** The RSDSC recommends that the language in Section 12 (“Annual Report”) of the current Regional Agreement should remain essentially unchanged with two exceptions:

- Change the delivery date of July 10 to October 1; and

- Require that this financial report annually include the gross costs of each elementary school.
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**Issue:** Can Section 13 (lease of Blanchard Auditorium) and Exhibit A (references to the use of the Blanchard Auditorium) be deleted?

**Discussion:** Section 13 of the current Regional Agreement can be eliminated, as the Region now owns the Blanchard Auditorium.

**Recommendation:** The RSCSC recommends deleting Section 13 and Exhibit A of the current Regional Agreement, as it is no longer relevant.

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**Issue:** Should the operating costs of Acton and Boxborough elementary schools be separated to allow one town to contribute supplemental funds for specific services? [i.e., special budgetary consideration for special programs; e.g., music, ESL, special education, tutors, curricula, etc.]

**Discussion:** The consensus of the RSDSC is that the preK-12 Region should begin to operate as a unified region as soon as possible. Additionally, our initial research indicates that DESE requires that all students be treated the same and, thus, would not support an approach that allowed for differential operational funding across schools.

**Recommendation:** The RSDSC recommends no special operating costs for individual schools be built into the regional agreement.

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**Issue:** How will transportation costs be assessed/allocated?

**Discussion:** The two options discussed included assessing each town for actual costs (current process) or assessing each town on a student ratio like the operating budget. After discussion, the original preliminary recommendation was no change in the current process to assess transportation costs. Further discussion, which has influenced several issues, has given more weight to making a revised Region as much of a total entity as possible. That would include using the preK-12 three-year rolling enrollment percentages for the transportation costs, similar to the operating budget, capital costs, and construction costs.

**Specific Issues Discussed:**

- Do transportation costs get allocated as actual costs to each Town?

- Do transportation costs get allocated region-wide by enrollment percentages on a three-year rolling enrollment average, the way we treat the operating costs?
- If transportation costs get allocated by enrollment, will it be based on preK-12 enrollment for all schools or on preK-6 enrollment for the elementary schools and 7-12 enrollment for the secondary schools?
- Do state transportation reimbursement monies reduce the assessment of the Town which generated the monies?

**Recommendation:** The RSDSC recommends allocating transportation costs region-wide by enrollment percentages using a three-year rolling enrollment average, the way that operating costs are treated.

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**Issues:** Is each town responsible for pre-K to grade 6 construction/renovation costs OR will financial responsibility be based on a percentage of each town's students in that building? Will grades 7 - 12 construction/renovation costs be based on student enrollment in all grades or in grades 7 - 12? Does Boxborough receive a 5% discount in construction/renovation costs?

**Discussion:** The initial recommendation was that financial responsibility for preK-6 construction/renovation costs should be based upon each town paying for its own buildings. It would be based on the percent of students in that building from each town. Further discussion produced the following:

- Grades pre-K - 6: treating construction/renovation costs as a regional issue and allocating costs to each town according to the percentage of the three-year rolling average of student population for each town based upon the October 1<sup>st</sup> enrollment data, with no 5% discount for Boxborough; and
- Grades 7 - 12: (keep the current formula) a percentage of the three-year rolling average of student population based upon the October 1<sup>st</sup> enrollment data - Boxborough pays 5% less.

For grades 7 - 12, other discussions discussed were:

- Either town gets a 5% discount on construction costs for construction in the other town.
- Include a grandfather clause for existing debt and eliminating Boxborough's 5% discount going forward.

**Recommendation:** The RSDSC recommends that construction/renovation costs for grades preK-6 as a regional issue and allocate costs to each town according to



the percentage of the three-year rolling average of student population for each town based upon the October 1<sup>st</sup> enrollment data (with no 5% discount for Boxborough). The committee recommends no change in the current Regional Agreement regarding construction/renovation costs for grades 7 - 12.

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**Issues:** How will the Transitional Regional School Committee be elected and for what time period?

**Discussion:** The Transitional Regional School Committee would be operational shortly after both communities vote to approve a preK -12 region.

This Transitional Committee will end on a June 30 the day before a newly elected Regional School Committee becomes responsible the day the newly revised Region becomes operational on a July 1<sup>st</sup>. [If a new Regional Agreement is passed in both towns in the spring of 2013, the new region would begin on July 1, 2014.] Members of this Transitional Regional School Committee can simultaneously be members of one of the current three School Committees.

Basically, the three current individual School Committees can appoint members to sit on this Transitional School Committee. These School Committees must decide if this Transitional School Committee will be configured in the same manner as the permanent Regional School Committee [i.e., as recommended by the RSDSC (5 Acton (each with 4 votes) and 3 Boxborough (each with 1 vote))] or by some other manner.

This Transitional Regional School Committee will include such tasks as building the first fiscal year regional budget, hiring the administration, negotiating all personnel contracts, developing a revised health insurance plan, developing a new policy manual, etc.

**Recommendation:** The RSDSC recommends that the three current School Committees (i.e., APS, Boxborough, and A-B) discuss and decide how they collectively want to configure the Transitional Regional School Committee.

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**Issues:** What should be the make-up of the Regional School Committee? Which of the five options concerning the members of the regional school district committee and its voting, from MGL, Chapter 71: Section 14E, should we use, and what should the specifics of that option be?

**Discussion:** This has created a great deal of discussion by the Study Committee. The Study Committee agreed to focus on the two general concepts put forth by two of our

members. One option would require a district-wide election (i.e., Acton and Boxborough members voting on candidates from both communities) with a designated number of School Committee members elected from each town, each with one vote. The other option allows members of each community to vote only for candidates from their community, but School Committee members would have a weighted vote. [Acton 4 to Boxborough 1]

The discussion also includes the “persuasion power” issue in addition to the “voting power” issue. “Persuasion power” would give Boxborough more bodies on the School Committee than the 4 : 1 population ratio, although Acton would have the same 4 : 1 voting power.

Part of the discussion has included what is a minimum number of school committee members necessary to fill sub-committee work and to get all the work done that is necessary. The RSDSC is researching the concept of “Associate School Committee Members” which could be helpful in getting the necessary work of the Regional School Committee completed.

The RSDSC was reminded that the current Regional Agreement requires a majority vote of the school committee members from both Towns to approve the “preliminary” budget.

Sub-group C voted for the following Regional School Committee make-up in descending priority order:

1. 5 Acton & 3 Boxborough members – each Acton vote = 2.4 [12 Acton & 3 Boxborough votes = 15 total votes] ← satisfies one-man-one-vote requirement; i.e., Acton 4 X Boxborough in population
2. 5 Acton & 4 Boxborough members – each Acton vote = 3.2 [16 Acton & 4 Boxborough votes = 20 total votes] ← also satisfies one-man-one-vote requirement; i.e., Acton 4 X Boxborough in population

**Recommendation:** The RSDSC recommends that a preK – 12 Regional School Committee have five (5) Acton members, each with 2.4 votes and three (3) Boxborough members, each with one vote. This gives Acton twelve (12) votes and Boxborough three (3) votes according to the 4:1 population difference and satisfies the law of one-man-one-vote.

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**Issues Recommended to be Addressed by the Regional School Committee**  
**[Prior to any votes on a revised Regional Agreement]**

**Issue:** How will elementary students’ bussing be affected?

**Issue:** Will there be a policy of accepting external funding to offset operating budget expenses (e.g. fundraising for classroom assistants)?

**Issue:** Will all six elementary schools have a shortened day every Thursday?

**Issue:** How will the start times of all six elementary schools be affected? Will the times change every year?

**Issue:** What about religious holidays?

**Issues:** Should the Regional School Committee have authority to balance classes between towns? Should there be specific language regarding exceptions for special needs children? Should there be language to allow voluntary pre-kindergarten to grade 6 movement between towns? If parents choose to send their children to a school in the other town, will parents be responsible for transportation? If a Boxborough student goes to an Acton elementary school, will that student have equal rights to the lottery system?

**Issue:** How will A-B's Community Education and similar programs in Boxborough be merged and how will each town share in available funds?

**Issue:** How will the Regional School Committee handle the distribution of current technology and equipment in each elementary school?

**Issue:** If the Regional District owns each school building, will this impact parent/community member accessibility related to the use of this building?

**Issue:** What are the issues related to staff employment?

**Issue:** How would OPEB be handled to insure consistency in funding between the member entities and the proposed new preK - 12 Region?

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### Other Issues

**Issue:** The Regional School District Study Committee recommends that the votes on a revised Regional Agreement take place in both towns on the same date and time in the spring of 2013.

**Issue:** Can a School Committee have "Associate" members? This issue relates to the increased workload of the A-B Regional School Committee if its total

numbers are decreased from nine (9) to eight (8). The short answer is “no.” A School Committee cannot “assign” any of its powers to someone or a group of people. A School Committee can, however, establish any number of sub-committees and for any reason to perform tasks which are then brought back to the School Committee for discussion and action.

Issue: If there is a cost of putting the teachers of one bargaining unit from a community on to the salary schedule of another community, is the former community responsible for paying the cost of this staff transfer? The short answer is “no.” A Regional Agreement could be written to have the “sending” community pay all, or part, of the costs of putting its teachers on a higher salary schedule, but that is not legally necessary. Specifically, any costs become the responsibility of the new Region.

Issue: What is an appropriate DESE timeline for approval of a new Regional Agreement given Acton and Boxborough community votes in the spring of 2013 and a July 1, 2014 anticipated start of a possible new PK – 12 Acton-Boxborough Regional School District? [Attorney Ed Lenox will provide an answer prior to the 10/18/12 joint School Committees meeting.]

Issue: The Regional School District Study Committee voted that a quorum of this committee be six of the ten voting members.

Issue: How would a state regionalization grant be used? financial consultant; legal consultant; cost of special town meetings to vote on new Regional Agreement.

Issue: Questions for Chris Lynch – DESE

- How can she help us applying for a regional grant? This has been done.
- Can we use regional grant money to pay for special town meetings held specifically to vote on revised Regional Agreement? Her answer was “yes.”
- Is there a difference in the law/rules between starting a new region from scratch vs. amending an existing Regional Agreement as we are doing?
- Because we are amending a current Regional Agreement, can one entity be absorbed into the current regional health insurance plan?
- What are the specific requirements of developing a Transitional Regional School Committee?

Issue: Next steps – recommendations to the Regional School Committee on Thursday, October 18 and then begin meeting with Boards of Selectmen and Finance Committees soon thereafter, as well as, sharing information with members of the community and reaching out to staff and unions. A League of

Women Voter forum will be held at the Acton Town Hall on Tuesday, October 30.

**Issue:** The Regional School District Study Committee recommends that legal support for this effort be contracted to an attorney/firm not represented by either community or any of the three school districts. The Regional School Committee hired Ed Lenox from Murphy, Hesse, Toomey & Lehane.

*Acton-Boxborough Regional School District Study Committee: Revised October 16, 2012*