

Whitman-Hanson Regional School District

2020 Regional Agreement Amendment Committee Meeting

April 22, 2020
Via Teleconference

This meeting is being held fully remotely in accordance with the Governor of Massachusetts' March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, Section 20.

Meeting Minutes

Meeting Convened at 4:05 p.m.
Meeting Adjourned at 5:22 p.m.

VOTING COMMITTEE MEMBERS PRESENT:

Mr. Christopher Scriven, School Committee Member (Whitman)
Mr. Christopher Howard, School Committee (Hanson)
Mr. Frank Lynam, Town of Whitman, Town Administrator
Mr. Justin Evans, Town of Whitman Board of Selectmen
Mr. Rick Anderson, Town of Whitman Finance Committee
Mr. Christopher George, Town of Whitman Community Member at Large
Mr. Matthew Dyer Town of Hanson Board of Selectmen
Ms. Laura Kemmett, Town of Hanson Board of Selectmen
Mr. Kenneth McCormick, Town of Hanson Finance Committee
Mr. Bruce Young, Town of Hanson Community Member at Large

NON-VOTING COMMITTEE MEMBERS PRESENT:

Mr. Jeffrey Szymaniak, Superintendent of Schools
Mr. George Ferro, Assistant Superintendent of Schools
Mr. John Stanbrook, Town of Hanson, Town Administrator
Mr. Robert Hayes, WHRSD School Committee Chair
Mr. Frederick Small, WHRSD School Committee alternate

CONSULTANTS:

Mr. Mac Reid
Mr. Stephen Hemman

Call to Order

The meeting was called to order at 4:05 p.m.

Roll Call for Attendance

All voting members were reported present by roll call.

Acceptance of 4/15/2020 Meeting Minutes

There was an offer to amend the meeting minutes. Mr. Young made and withdrew a motion to amend the meeting minutes of April 15, 2020. It was the consensus of the Committee that an amendment to the minutes will be submitted to the recording secretary to be presented at the next meeting.

**VOTE: Mr. Lynam motioned; Mr. George seconded; voted by roll call to table the acceptance of the April 15, 2020 meeting minutes until the next meeting.
Mr. Christopher Howard, Yes**

Mr. Frank Lynam, Yes
Mr. Justin Evans, Yes
Mr. Rick Anderson, Yes
Mr. Christopher George, Yes
Mr. Matthew Dyer, Abstain
Ms. Laura Kemmett, Yes
Mr. Kenneth McCormick, Yes
Mr. Bruce Young, Yes
Mr. Christopher Scriven, Abstain (did not vote)
The motion passed with two abstentions.

Make-up the RAA Committee as voted by WHRSD School Committee

Mr. Scriven reported that, after a review of the vote on the composition of the Regional Agreement Amendment Committee by the Whitman-Hanson Regional School Committee, it was determined the correct configuration of the RAA Committee was comprised of either two board of selectmen from each town or one board of selectmen and one town administrator from each town. Therefore, Mr. Frank Lynam, Whitman Town Administrator, was added as a voting member. In addition, Mr. Kenneth McCormick, will serve as the voting member from Hanson Finance Committee. Mr. Fred Small was recognized as an alternate for School Committee member and Marilyn Webber was an alternate for the Hanson citizen-at large.

MARS Consultants

Chair Scriven introduced Mr. Stephen Hemman and Mac Reid, as the consultants from the Massachusetts Association of Regional Schools (MARS). The MARS consultants presented responses to a number of questions executed by the RA Regional Agreement Committee previously submitted electronically, as discussed at the meeting held on April 15, 2020.

MARS received approximately forty questions from the Committee. Although some questions overlapped, most all referenced the regional agreement regarding local assessments. A written response to the questions was presented to the Committee. In their presentation, Mr. Hemman and Mr. Reid prefaced with a history of the previous regional agreement amendment that was developed, in consultation with MARS and the WHRSD Regional Agreement Committee and WHRSD School Committee, in 2017-2018. The MARS consultants were hopeful to begin the amendment process using that document as a starting point because it had already gone through the extensive approval process. The 2018 amended agreement was voted approved by the School Committee, vetted and approved by member towns' legal counsels and school district legal counsel, as well as approval by the Department of Elementary and Secondary Education (DESE). It was recommended to begin the work of amending the RA by addressing the pertinent pieces or sections, which seems to be focused mainly on the assessment language. Mr. Reid read the memo aloud as follows:

- A Statutory Method **must** be in every Regional Agreement. The Regional Agreement can have an Agreement/Alternative Method which can only be used if every year the Regional School Committee votes to use it AND **both towns** vote to use it. Otherwise the assessments revert to the Statutory Method.
- An annual assessment can be decreased if a town's assessment is at least above the minimum level as that town's Minimum Local Contribution. For a town's assessment to be only at the MLC is very rare. The total assessment can go down if enrollment goes down significantly, if there is an Increase in Chapter 70 aide, increase in regional transportation aide, other income or there is a change in the Foundation Budget **BUT** it can't go below MLC.
- Chapter 70 aide is calculated by the DESE with information from the Dept. of Revenue. Hold-harmless means that Chapter 70 monies coming to a district from the previous year are not

decreased. Only minimum aid is provided to the district. Chapter 70 monies come directly to a regional school district and not through the town.

- An Agreement/Alternative Method of calculating assessments is rarely used in the Commonwealth. Using either of these methods does not affect the actual (bottom line) budget as determined by the Regional School Committee.
- Implementation of an amended Regional Agreement can occur after it is passed by the Regional School Committee, is voted in the affirmative by both member towns, and is signed off by the Commissioner of DESE. A subsequent new law which might affect language in a Regional Agreement does not negate the entire Regional Agreement. The regional school committee should propose an amendment if this happens. Law can override a Regional Agreement.
- A regional school budget must be approved by two-thirds (2/3) of the member towns (both towns in the case of a two town region like Whitman-Hanson) or it is considered failed. The Regional School Committee then decides to take the same budget/assessments back to the towns for a second vote or lower the budget (assessments) and ask for another vote. If there is no approved budget by July 1, the Commissioner of DESE will normally set a 1/12 budget based on the previous year's budget/assessment and the proposed new budget and hope that the towns can work out an acceptable budget/assessment. If there is no approved budget by December 1, the Commissioner will set the budget/assessments for that fiscal year. We believe this will be the same process this year even with the Covid-19 pandemic. DESE will be issuing guidance on regional budgets/assessments shortly. prob next week
- The law requires one budget for the district. SPED costs cannot be split out of the budget.
- It is certainly possible to "transition" into a Statutory Method. This can be done with an Agreement/Alternative Method or it can be built into the Statutory Method with a five-year (e.g.) phase-in. There is flexibility in how the Above Minimum Local Contribution is split but it must be defined in the Regional Agreement.
- MLC is a wealth-based calculation = total property values in the community and income of all the residents. DESE develops the formula for the wealth factor/target share based on data from the Dept of Revenue.
- School Committee representation is determined by the Regional Agreement and must adhere to one of the five approved methods. Use of the Statutory Method or Agreement/Alternative Method does not affect this representation.
- The current Whitman-Hanson Regional Agreement requires both towns to vote to agree to allow one town to withdraw from the region. The towns with which we are aware who considered withdrawing from a region found that it would cost them more than to stay in the region. Because Whitman-Hanson is a two-town region, the withdrawal of one town would dissolve the region. The only town that has withdrawn from a region (six towns) did so with a home rule petition from the MA Legislature. In addition, unless you're the regional agreement were to allow something different, you need to go by that until it's has changed.
- Moving from an enrollment-based assessment to the Statutory Assessment method is a rare situation that has been resolved in a couple of districts with a phased-in readjustment of the assessments over a five- or six-year period."

Mr. Hemman spoke to the requirements of the contents of a regional agreement and understood the Committee's objective to resolve the assessment language section. The statutory method is, at present, in the previous amended agreement. If it is the Committee's wish to include an alternate method of assessment in the amended agreement, whether it is a phase process or not, would still need to be added. This alternate method would also need to be approved by DESE. The process for approving a regional agreement was provided as follows: the School Committee votes to approve the amended agreement, it is then submitted to DESE for a preliminary approval, it is then submitted to each member town for approval (and legal counsel approval), and once approved by both member towns, the final sign off of

approval by the DESE Commissioner, as regulated. The amended agreement would go into effective as of the date the Commissioner signed off the final approval. Mr. Anderson asked the MARS consultants if they had reviewed the attachments that were provided to them to supplement his question. Mr. Hemman replied that they had not. The MARS consultants fielded a number of additional inquiries by the Committee.

Mr. Hemman confirmed that MA General Law states a vote of two-thirds majority of the School Committee is needed to certify a budget and local assessment. Mr. Hemman stated the statutory method is the default method of assessment per DESE regulations and must be included in a regional agreement.

Mr. Young inquired of the two consultants from MARS "If it requires a two-thirds vote of the School Committee to certify the school budget, and it requires a two-thirds vote of the School Committee to certify the assessment, should it not also take a two-thirds vote of the School Committee to define the method of assessment that the School Committee will be using to assess the member towns?". Mr. Reid failed to answer the question and instead claimed that the statutory method was the default method and did not need a vote by the School Committee, and that the use of the alternative method was the only method that had to be voted by the Committee. Mr. Young pointed out that Chapter 71, section 16b, states specifically that the School Committee is to use the method specified in the Regional Agreement in setting an assessment for the member towns. Mr. Hemman then attempted to clarify the issue, stating that both the alternative and statutory method can be voted by the School Committee, but he was unsure whether that required either a majority vote or a two-thirds vote and that DESE would be contacted and they (MARS) would be back with an answer.

It was indicated that using the statutory method is not required to be voted by a school committee as it is the default method. Conversely, use of the alternate method must be voted by a school committee who in turn, notifies the member towns, at which point a member town could vote down use of the alternate method, which would then default to the statutory method.

There was a brief debate regarding the 1991 Regional Agreement, which does not include the statutory assessment method language. The 1991 Regional Agreement was approved prior to Ed Reform and is based on per pupil population, which Mr. Hemman indicated may not be an alternate method. The Committee debated if some sections of the 1991 Agreement were not in compliance. Mr. Hemman specified that if the Committee intends to add an alternate method to an amended agreement, they need understand that both the statutory method and alternate method must be listed in an agreement, in order to be compliant. This comment was challenged and will also be explored by MARS.

The foundation budget and minimum local contribution calculations were discussed. The state does not separate the Chapter 70 funding by town and is presented in a lump sum. A worksheet prepared by another district's school committee member was referenced as that illustrated calculations that could break out the Chapter 70 funding figures by town.

The lead time to amend a regional agreement was discussed. The turn around time would depend on updates to the sections of an agreement to bring it into compliance. Mr. Hemman suggested if the work done in 2018 to amend the agreement was used, and the Committee only worked on the area of assessment language, the process could be completed relatively quickly, within six months or less. The School Committee would then vote on the amended agreement, obtain preliminary approval by DESE, and submit to the towns to be placed on the next town warrant. If approved by member towns and sent to DESE commissioner for final approval, the new amended agreement would do into effect on the date it was signed by the Commissioner.

The outcome of the proposed amended agreement dated 6/2018 was discussed. After the approval process with the School Committee and preliminary DESE approval, it was voted approved in Hanson but passed over in Whitman due to the grade K-8 withdrawal language. It was noted the language to withdraw required the other member town to approve the withdrawal, which could prolong withdrawal. That being the case, the Committee questioned if there was any arbitration language to avoid this type of maneuver. Mr. Hemman was not aware of arbitration language but did note that DESE approves withdrawal language, as they are responsible to insure all students have education the children. Mr. Reid did refer to one or two regional agreements that allow one town to vote themselves out; however, added DESE would no longer allow that in a regional agreement.

A move to a resolution was deliberated in a discussion how much has changed in the towns since 2018.

The Committee discussed the practicality of a phased in approach and either working off of the 2018 red-lined proposed amended agreement or the 1991 agreement to address the updates to the assessment and exit strategy sections. Mr. Hemman clarified that all sections of an amended agreement must be in compliance. The amended agreement is approved in full, not in sections.

Although member town contribution history reports were provided with the questions to MARS, the consultants focused on answering questions at this meeting. Mr. Hemman suggested addressing questions related to minimum local contribution, target share and the history of the towns assessments be discussed at a subsequent meeting when there is more time for explanation.

It was confirmed that costs related to special education cannot be assessed differently than the operating budget. Mr. Hemman reported in recent years, some districts have set up reserve accounts called special education stabilization accounts.

Mr. Szymaniak reported he anticipates receiving an advisory from DESE on April 24 that addresses regional school district budget certification process if a school budget has not been voted yet.

Primary Objectives/Timeline

Chair Scriven asked the Committee for specific objectives. It was suggested the Committee prepare suggestions/proposals on how the Committee should proceed in moving forward. The Committee was cognizant of the tight timeline to accomplish an amendment to the regional agreement understanding the potential of DESE imposing a 1/12th budget if a budget is not passed in the towns. Mr. Anderson reported the Town of Whitman Finance Committee has been working on the Town Meeting Warrant Article 2 with a placeholder for the local assessment in the amount \$15,156,235, which he indicated is about 36% above minimum local contribution. It was noted the scope of the RAA Committee was to address the necessary updates and changes to the Regional Agreement and to focus on the agreement rather than the school budget; although it was clear the two are linked in defining an alternate assessment methodology in an amended agreement. It was the consensus of the Committee to begin the amendment process by working with the most recent DESE approved amended agreement dated June 16, 2018. A copy of the June 16, 2018 red-line amended agreement will be sent to the Committee prior the next meeting for review.

The next meeting was scheduled for Thursday, April 30, 2020 at 7:00 p.m.

VOTE: Mr. Young motioned; Mr. Lynam seconded; roll call voted to adjourn at 5:22 p.m.

Mr. Christopher Howard, Yes

Mr. Frank Lynam, Yes

Mr. Justin Evans, Yes

Mr. Rick Anderson, Yes

Mr. Christopher George, Yes

Mr. Matthew Dyer, Yes
Ms. Laura Kemmett, Yes
Mr. Kenneth McCormick, Yes
Mr. Bruce Young, Yes
Mr. Christopher Scriven, Yes
The motion passed unanimously.

Minutes respectfully submitted by Michelle Lindberg

Meeting handouts and materials:

- Meeting Agenda 4/22/2020
- Meeting Minutes 4/15/2020
- MARS Consultant response memo