

## APPENDIX F

This Appendix has two parts: Part one is a listing of laws governing Superintendency Unions, and Part two is a listing of the sections of the Amherst-Pelham Regional agreement having to do with addition/subtraction of towns and other amendments to the Regional agreement.

### **PART ONE: LAWS GOVERNING SUPERINTENDENCY UNIONS**

#### **Chapter 71: Section 61. Superintendent of schools; employment by a town union**

Section 61. The school committees of two or more towns, each having a valuation less than two million five hundred thousand dollars, and having an aggregate maximum of seventy-five, and an aggregate minimum of twenty-five, schools, and the committees of four or more such towns, having said maximum but irrespective of said minimum, shall form a union for employing a superintendent of schools. A town whose valuation exceeds said amount may participate in such a union but otherwise subject to this section. Such a union shall not be dissolved except by vote of the school committees representing a majority of the participating towns with the consent of the department, nor by reason of any change in valuation or the number of schools.

#### **Chapter 71: Section 62. Readjustment of town unions**

Section 62. The department may form or readjust such unions whenever it becomes necessary to include one or more towns otherwise unable to comply with the preceding section, and in so doing may disregard the minimum number of schools prescribed therein, but no such readjustment shall deprive a town of its right to aid under section sixty-five.

#### **Chapter 71: Section 63. School committees as joint committee; representation: meetings; employment of superintendent, removal**

Section 63. The school committees of such towns shall, for the purposes of the union, be a joint committee and shall be the agent of each participating town, provided that any school committee of more than three members shall be represented therein by its chairman and two of its members chosen by it. The joint committee shall annually, after completion of annual elections in all of the member towns meet at a day and place agreed upon by the chairmen of the constituent committees, and shall organize by choosing a chairman and a secretary. It shall employ for a three year term, a superintendent of schools, determine the relative amount of service to be rendered by him in each town, fix his salary, which shall not be reduced during his term, and may provide for fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of duties or office, liability insurance, and leave for said superintendent and shall apportion the payment thereof in accordance with section sixty-five among the several towns and certify the respective shares to the several town treasurers. He may be removed, with the consent of the department, by a two thirds vote of the full membership of the joint committee.

*[Section 6 of the Education Reform Act of 2010 "An Act Relative to the Achievement Gap" amends Section 63 by adding to it the following paragraph]:*

A town may terminate its participation in a union by a majority vote of the school committee of the town; provided, however, that said termination shall only be for the purpose of forming an innovation school pursuant to section 92 or establishing different school governance structures. Termination shall be independent of any pending votes regarding dissolution of the union or pending votes by another town regarding its participation.

## **PART TWO: POLICIES REGARDING CHANGES TO THE AMHERST-PELHAM REGIONAL DISTRICT AGREEMENT**

(These are taken from the agreement, available in full at [www.arps.org/policy/AAC+-E](http://www.arps.org/policy/AAC+-E))

### **SECTION XI: Admission of Additional Towns**

a) Any town may petition to become a Participating Town in the District under terms stipulated in a proposed amendment to the Agreement. Said petitioning town shall become a Participating Town if the proposed amendment is approved by the Committee and accepted by the petitioning town and each Participating Town, and provided further that the petitioning town shall also accept the Agreement with any amendments thereto, approval by the Committee to require a two-thirds vote, and acceptance by the petitioning town and the Participating Towns to be by majority vote at an annual town meeting, such vote in the case of a town having representative town government by limited town meetings to be subject to the right of referendum applicable in such town.

b) Upon admission of a town to the District, assessments levied against the Participating Towns by the District to meet capital costs as defined in Section VI b shall be stipulated in the Agreement by which the town is admitted to the District, and such newly admitted town shall be responsible for its proportionate share of such capital costs as so reapportioned and for its proportionate share of operating costs as defined in Section VI c incurred after its admission to the District and apportioned under Section VI e. (Amendment #1, 1955)

c) The newly admitted town shall pay to the District its share, as determined in Section IX b, of the funded indebtedness already retired. For the purpose of this calculation such retired indebtedness shall be considered as the difference between (1) the original plus any subsequent capital costs, exclusive of interest and the total state construction grant, depreciated at the rate of 2 per cent per year, and (2) that part of capital costs as yet unpaid less that part of the state construction grant not yet received. Such share shall be paid in equal installments not later than the tenth of May, August, and November in each year during the remaining period of indebtedness or for a period of ten years, whichever period is the longer. During the remaining period of indebtedness such payments thus made shall be credited to the other towns comprising the District in amounts proportionate to the share of capital costs each has paid in the past. Thereafter such payments shall be made in accordance with Section XI d.

d) If no funded indebtedness exists, the newly admitted town shall nevertheless assume liability for its share of the past funded indebtedness which shall be computed in the manner described above in Section XI c and paid directly to the other towns then comprising the District in the proportion due each, payments to be made in ten equal annual installments.

e) The newly admitted town shall be liable as a Participating Town for its proportionate share as determined hereunder of any outstanding funded indebtedness and interest thereon. The admission of a new town to the District shall be deemed to constitute approval by such town of the amount of any funded indebtedness of the District authorized by the Committee prior to such admission, but which has not been issued and is not outstanding, and such town shall be liable for its proportionate share as determined hereunder of any such funded indebtedness when issued and for interest thereon. (Amendment #1, 1955)

## **SECTION XII: Withdrawal of a Town for the Regional School District**

a) Any Participating Town may petition to withdraw from the District under terms stipulated in a proposed amendment to the Agreement provided (1) that such withdrawal is approved by the State Department of Education and the Emergency Finance Board, and (2) that the town seeking to withdraw has paid over to the District any operating costs for which it became liable to the District for its share of the indebtedness of the District outstanding at the time of such withdrawal, and for interest thereon, to the same extent and in the same manner as though the town had not withdrawn from the District except that such liability shall be reduced by any amount which such town has paid over at the time of withdrawal and which has been applied to the payment of such indebtedness of interest.

b) Said petitioning town shall cease to be a Participating Town if the proposed amendment is approved by the Committee and accepted by the petitioning town and each of the other Participating Towns, approval by the Committee to require a two-thirds vote, and acceptance by the petitioning town and by the other Participating Towns to be by majority vote at an annual town meeting, such vote in the case of a town having representative town government by limited town meetings to be subject to the right of referendum applicable in such town.

c) (Eliminated in the original)

d) Money received by the District from the withdrawing town for payment of funded indebtedness of interest thereon shall be used for this purpose only.

## **SECTION XIV: Amendment of the Agreement**

a) This Agreement may be amended by (1) a two-thirds vote of the Committee and (2) a majority in each of the Participating Towns at either an annual or a special town meeting, such vote in the case of a town having representative town government by limited town meetings to be subject to the right of referendum applicable in such town. Action to amend the Agreement may be proposed only by the Committee, any such proposal to be submitted to the selectmen in each Participating Town who shall cause the question to be voted upon either at the next annual town meeting or if the Committee so requests at a special town meeting which shall be held within thirty (30) days of the date on which the selectmen receive the proposed amendment from the Committee. (Amendment #5, March 1968)

b) No such amendment shall be made which substantially impairs the right of the holders of any bonds or notes of the District then outstanding, or the rights of the District to procure the means for payment thereof, provided this provision shall not prevent the admission of a new town to the District and the reapportionment accordingly of that part of the cost of construction represented by bonds or notes of the District then outstanding, and of interest thereon.

