

# MEMORANDUM

To: Municipal Leaders  
From: Jon Evans, Superintendent-Director  
Date: March 8, 2019  
RE: Executive Summary of Updates to District Agreement

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In connection with the proposed amendments to the District Agreement, I provide this Executive Summary.

At the highest level, the proposed updates to the District Agreement accomplish five things. First, they incorporate the prior amendments to the District Agreement and eliminate outdated provisions that relate only to the initial formation of the District. Second, they recognize Framingham's recent change from a town to a city form of government. Third, they bring the District Agreement into alignment with the District's existing practices. Fourth, there is an amendment regarding the manner in which tuition receipts are used to offset costs for the purpose of simplifying the District's budget process. Last, they address provisions that the Commissioner of the Department of Elementary and Secondary Education, who must approve the amended District Agreement, has required. The updates that accomplish each of these items are described more fully below.

## Updates Reflecting Prior Amendments and Elimination of Outdated Provisions

The updates reflecting prior amendments are not reflected in Track Changes as they are non-substantive. They include, however, changes to the size of the School Committee (Section I) and changes in the timing of payments to the District (Section IV(G)). Other provisions relating to the formation of the initial School Committee in Section I have been deleted.

## Updates Related to Framingham's Change from a Town to a City

Most of the changes to the District Agreement reflecting Framingham's change from a town to a city form of government are readily apparent. However, I also direct your attention to Section V(B), which recognizes the difference in Framingham's appropriation process based on the change in the appropriating authority from the Town Meeting to the City Council. Similarly, Section VII(B), regarding amendments to the District Agreement, and Section IX, regarding withdrawals from the District, have been revised to reflect the same change. Section XI has been changed to reflect a recent change to General Laws Chapter 71, Section 16(d). The word "towns" has also been changed to "municipalities" throughout the document.

## Changes Reflecting Current Practices

Over time, each member municipality, by charter or by-law, has moved from elected to appointed School Committee members. This change is reflected in Section I(B). In order

to avoid the constant transition of members, I recommend selecting a defined date on which School Committee members will be appointed. I recommend this date be June 1<sup>st</sup> to be consistent with the existing practice of organizing the School Committee at its first meeting in June of each year.

I have also recommend clarifying the definition of capital costs in Section IV(B) to encompass all legally permissible purposes. This change is intended to make the District Agreement consistent with law by ensuring the District Agreement does not unduly restrict the District's ability to borrow for capital costs.

There are numerous provisions that appear to date back to a time when the District operated on a January 1<sup>st</sup> fiscal year. Those provisions are inconsistent with law. The proposed changes, found at Sections IV and V, are intended to bring the District Agreement into accordance with law and practice. Sections IV(E) and IV(F) also bring the District's funding provisions into alignment with law and practice. Other changes to Section V eliminate outdated language related to the original formation of the District and align the District Agreement with the budgetary process the District has been using for years. With regard to the budget process as a whole, I recommend inserting a new Section V(C), which ensures the District Agreement will always be interpreted in a manner consistent with law.

#### Change regarding Tuition Payments

Section X of the current District Agreement allows the District to accept students on a tuition basis. Such funds are applied to operational costs. The proposed revision does not change this principle. Rather, it seeks only to establish a fixed date, the same October 1 date that is used for the Commonwealth's Chapter 70 calculations, on which the number of tuition students will be determined. Tuition revenues attributed to such students would be applied to the District's budget for the following fiscal year. For example, tuition from students enrolled as of October 1, 2017, and received throughout the 2017-18 school year will be applied to the following year's budget process for the Fiscal Year 2020 budget. This approach allows for a greater degree of certainty in determining the District's budget and provides greater clarity to the member municipalities as to how such revenue, albeit limited, will be applied to reduce the annual assessment.

#### Changes reflecting DESE's Requirements

DESE requested a few minor changes, none of which change the substance of the District Agreement. More specifically, DESE stated it now requires certain elements of the law with respect to the adoption of the District's budget (2/3 vote of the full School Committee and 2/3 approval by the member municipalities), the amendment of the District Agreement (to include the approval of the Commissioner) and the addition and withdrawal of municipalities from the District to be included in the District Agreement (incorporation of certain timelines and approval by the Commissioner). I pressed them on the need to state existing legal requirements in the District Agreement, which, of course, are in effect regardless of whether they are in the District Agreement. DESE

stated they now require the inclusion of these provisions in district agreements, generally, and believe they help ensure compliance.

Other required changes include minor changes in wording, e.g., deletion of an antiquated reference to “levying” assessments because assessments are no longer “levied.” DESE also had preferred language with regard to the reference to the minimum required contribution in Section IV(E).

One of DESE’s changes, to Section VI, requires a minor explanation. In Section VI, you will see the deletion of the phrase “the substance thereof” with respect to the warrant article regarding amendments to the District Agreement. Although this phrasing is common with respect to municipal warrant articles, DESE does require that the entire District Agreement be a part of the warrant article. Obviously, this is a provision that will be administered by the member municipalities and not something the District would be involved in reviewing. Each member municipality should work with their local counsel to ensure that the entire proposed, amended District Agreement is available to their Town Meeting/City Council.

Please feel free to contact me if you have any questions.