

AGREEMENT WITH RESPECT TO THE ESTABLISHMENT OF
A VOCATIONAL REGIONAL SCHOOL DISTRICT

This agreement is entered into pursuant to Chapter 156 of the Acts of 1967 by and among the cities of Haverhill and Newburyport and the towns of Amesbury, Boxford, Georgetown, Groveland, Ipswich, Merrimac, Newbury, Rowley, Salisbury, and West Newbury (or by and among said cities and such three or more of said towns as shall accept said Chapter 156).

In consideration of the mutual promises herein contained, it is hereby agreed as follows:

SECTION I. THE REGIONAL DISTRICT SCHOOL COMMITTEE

(A) Composition. The regional district school committee, hereinafter sometimes referred to as the Committee, shall consist of two members from each of the cities of Haverhill and Newburyport and one member from each of the following towns which accept Chapter 156 of the Acts of 1967: Amesbury, Boxford, Georgetown, Groveland, Ipswich, Merrimac, Newbury, Rowley, Salisbury, and West Newbury. The member or members of the Committee from each city and town shall be appointed by the local school committee of each respective city or town, and such members may be but need not be members of such local school committee. The initial members of the Committee shall be appointed within ten days after the establishment of the District for the following terms, respectively: the cities of Haverhill and Newburyport shall each appoint one member to serve until March 31, 1969 and one member to serve until March 31, 1970; the towns of Amesbury, Boxford and Georgetown shall each appoint one member to serve until March 31, 1969; the towns of Groveland, Ipswich and Merrimac shall each appoint one member to serve until March 31, 1970; and the towns of Newbury, Rowley, Salisbury, and West Newbury shall each appoint one member to serve until March 31, 1971. In every year after the year in which these initial appointments are made, whenever the term of office of a member expires, the member municipality concerned shall appoint one member to serve for a term of three years from March 31 of the year in which such appointment is required to be made. All members shall serve until their successors are appointed and qualified.

(B) Vacancies. If a vacancy occurs among the members of the Committee at any time, the local school committee of the member municipality concerned shall appoint a member to serve for the balance of the unexpired term.

(C) Organization. Promptly upon the appointment and qualification of the initial members of the Committee and on the first Monday of April of every year thereafter, the Committee shall organize and choose by ballot a chairman and a vice chairman from among its own membership.

(D) Powers and Duties. The Committee shall have all the powers and duties conferred and imposed upon it by this agreement and such other additional powers and duties as are specified in Chapter 156 of the Acts of 1967 and any amendments thereof or additions thereto, now or hereafter enacted, or as may be specified in any other applicable general or special law.

(E) Quorum. The quorum for the transaction of business shall be a majority of the Committee, but a number less than the majority may adjourn.

SECTION II. TYPE OF REGIONAL DISTRICT SCHOOL

The regional district school shall be a vocational technical high school consisting of grades nine through twelve, inclusive. The Committee is hereby authorized to establish and maintain such kinds of education, acting as trustees therefore, as may be provided by municipalities under the provisions of Chapter 74 of the General Laws and acts amendatory thereof, in addition thereto or dependent thereon.

SECTION III. LOCATION OF THE REGIONAL DISTRICT SCHOOL

The regional district school shall be located within the District and within a radius of five miles of Rocks Village Bridge.

SECTION IV. APPORTIONMENT AND PAYMENT OF COSTS INCURRED BY THE DISTRICT

(A) Classification of Costs. For the purpose of apportioning assessments levied by the District against the member municipalities, costs shall be divided into two categories: capital costs and operating costs.

(B) Capital Costs. Capital costs shall include all expenses in the nature of capital outlay such as the cost of acquiring land, the cost of constructing, reconstructing and adding to a school building or buildings, and the cost of remodeling or making extraordinary repairs to a school building or buildings, including without limitation the cost of the original equipment and furnishings for such school buildings or additions, plans, architects' and consultants' fees, grading and other costs incidental to placing school buildings and additions and related premises in operating condition. Capital costs shall also include payment of principal of and interest on bonds, notes, or other obligations issued by the District to finance capital costs.

(C) Operating Costs. Operating costs shall include all costs not included in capital costs as defined in subsection IV(B), but including interest on temporary notes issued by the District in anticipation of revenue.

(D) Apportionment of Capital Costs. Capital costs shall be apportioned annually in December for the ensuing calendar year on the basis of pupil enrollment as hereinafter defined. For the purpose of this subsection, pupil enrollment shall be defined as the number of pupils residing in a member municipality and enrolled in grades one through twelve, inclusive, of any public, private, or parochial school, wherever located. Each member municipality's share of capital costs for each calendar year shall be determined by computing the ratio which its pupil enrollment on October 1 of the year next preceding the year for which the apportionment is determined bears to the total pupil enrollments of all the member municipalities on the same date. Capital costs represented by debt service shall be apportioned as a capital cost of the year in which the debt service falls due.

(E) Apportionment of Operating Costs. All operating costs, except those described in subsection IV(F), for the first calendar year next following the establishment of the regional school district and for every calendar year

(E) Apportionment of Operating Costs. (Continued)

thereafter shall be apportioned to the member municipalities on the basis of their respective pupil enrollments in the regional district school. Each member municipality's share for each calendar year shall be determined by computing the ratio which that municipality's pupil enrollment in the regional district school on October 1 of the year next preceding the year for which the apportionment is determined bears to the total pupil enrollment in the regional district school from all the member municipalities on the same date. In computing the apportionment the "persons" referred to in subsection IV (F) shall be excluded. In the event that enrollment of pupils in the regional district school has not been accomplished by October 1 of any year, operating costs shall be apportioned on the basis of the number of pupils residing in each member municipality and enrolled in grades one through twelve, inclusive, of any public, private, or parochial school, wherever located, on October 1 of that year.

(F) Special Operating Costs. The Committee shall determine the operating costs for each calendar year of any evening trade extension courses or any other types of courses which are offered by the District to persons other than pupils attending the regular day regional vocational technical school. Each member municipality's share of such operating costs shall be determined by computing the ratio which that municipality's enrollment of persons in such courses on November 1 of the year next preceding the year for which the apportionment is determined bears to the total enrollment of persons in such courses from all the member municipalities on the same date. In the event that enrollment of persons in such courses has not been accomplished by November 1 of any year, such operating costs shall be apportioned on the basis of the number of pupils residing in each member municipality and enrolled in grades one through twelve, inclusive, of any public, private, or parochial school, wherever located, on October 1 of that year.

(G) Times of Payment of Apportioned Costs. Each member municipality shall pay to the District in each year its proportionate share, certified as provided in subsection V(C), of the capital and operating costs. Except as otherwise provided in subsection V(A), the annual share of each member municipality shall be paid in such amounts and at such times that at least the following percentages of such annual share shall be paid on or before the dates indicated, respectively:

April 1	25%
June 1	60%
September 15	75%
November 15	100%

SECTION V. BUDGET

(A) Initial Budget. Within sixty days after the regional district school committee is first organized, it shall prepare a reasonably detailed operating and maintenance budget covering expenses, if any, for the balance of the then calendar year.

Copies of such proposed budget shall be submitted to the mayors of the member cities and to the chairman of the board of selectmen and to the chairman of the finance or advisory committee of each member town for their consideration. A budget shall be adopted not earlier than fourteen days but within twenty-one days after the proposed budget has been so submitted. The amount of the said budget shall be apportioned among the member municipalities according to the

SECTION V (A) Initial Budget. (Continued)

provisions of Section IV herein. The regional district treasurer shall certify to the treasurer of each member municipality its respective share of said budget. The sums thus certified shall be payable by each member municipality to the regional district school committee but only from funds which may be or may have been appropriated by each member municipality for such purpose.

(B) Tentative Annual Operating and Maintenance Budget. Thereafter, the Committee shall prepare annually a tentative operating and maintenance budget for the ensuing calendar year, attaching thereto provision for any installment of principal or interest to become due in such year on any bonds, or other evidence of indebtedness of the District, and any other capital costs to be apportioned to the member municipalities. On or before November 15 the said Committee shall submit to the mayors of the member cities and to the chairman of the board of selectmen and to the chairman of the finance or advisory committee of each member town a copy of such tentative operating and maintenance budget which shall be itemized as follows or be in such further detail as the regional district school committee may deem advisable:

1. Administration
2. Instruction
3. Other school services
4. Operation and Maintenance of Plant
5. Fixed charges
6. Community services
7. Acquisition of fixed assets
8. Debt retirement and debt service
9. Programs with other districts and private schools
10. Cost of transportation

(C) Final Annual Operating and Maintenance Budget. The Committee shall adopt an annual operating and maintenance budget, including debt and interest charges and any other current capital costs as separate items, on or before December 1 for the ensuing calendar year, and the said Committee shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of subsections IV (D), IV (E) and IV (F). The amounts so apportioned to each member municipality shall, prior to December 31 of each year preceding the calendar year to which said budget relates, be certified by the district treasurer to the treasurer of each member municipality, and each member municipality shall appropriate the amounts so certified.

SECTION VI. TRANSPORTATION

School transportation shall be provided by the regional school district and the cost thereof shall be apportioned to the member municipalities as an operating cost.

SECTION VII. AMENDMENTS

(A) Limitations. This agreement may be amended from time to time in the manner hereinafter provided, but no such amendment shall be made which shall substantially impair the rights of the holders of any bonds, notes, or other obligations of the District then outstanding, or the rights of the District to procure the means for payment thereof, provided that nothing in this section shall prevent the admission of a new town or towns to the District and the reapportionment accordingly of capital costs of the District represented by bonds or notes of the District then outstanding and of interest thereon.

SECTION VII. AMENDMENTS (Continued)

(B) Procedure for Initiating Amendments. Any proposal for amendment, except a proposal for amendment providing for the withdrawal of a member municipality (which shall be initiated as provided in Section IX), may be initiated by a majority vote of all the members of the Committee or by a petition signed by 5% of the registered voters of any one of the member municipalities. In the latter case, said petition shall contain at the end thereof a certification by the town or city clerk of such municipality as to the number of registered voters in said municipality according to the most recent voting list and the number of signatures on the petition which appear to be the names of registered voters of said municipality and said petition shall be presented to the secretary of the Committee. In either case, the secretary of the Committee shall promptly give notice in writing to the city councils of the member cities and to the board of selectmen of each of the member towns that a proposal to amend this agreement has been made and shall enclose a copy of such proposal (without the signatures in the case of a proposal by petition).

(C) Procedure for Action by the Cities and Towns. The city council of each member city shall vote on the question of accepting a proposed amendment at a regular or a special meeting of the city council within 60 days of receiving notice of the proposed amendment. The selectmen of each member town shall include in the warrant for the next annual or special town meeting (for which the warrant has not yet been closed) an article stating the proposal or the substance thereof. Such amendment shall take effect upon its acceptance by all the member municipalities, acceptance by each city to be by a majority vote of its city council and acceptance by each town to be by a majority vote at a town meeting as aforesaid.

SECTION VIII. ADMISSION OF ADDITIONAL TOWNS TO THE DISTRICT

By an amendment of this agreement adopted under and in accordance with Section VII above, any other town or towns may be admitted to the regional school district upon adoption as therein provided of such amendment and upon acceptance by the town or towns seeking admission of the agreement as so amended and also upon compliance with such provisions of law as may be applicable and such terms as may be set forth in such an amendment.

SECTION IX. WITHDRAWAL

(A) Limitations. The withdrawal of a member municipality from the District may be effected by an amendment to this agreement in the manner hereinafter provided in this section. Any member municipality seeking to withdraw shall, by a vote of a majority of all the members of the city council in the case of a city or by a majority vote at an annual or a special town meeting in the case of a town, request the Committee to draw up an amendment to this agreement setting forth the terms by which such municipality may withdraw from the District, provided that the said municipality shall remain 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 municipality had not withdrawn from the District.

(B) Procedure. The clerk of the municipality seeking to withdraw shall notify the Committee in writing that such municipality has voted to request the Committee

SECTION IX. WITHDRAWAL, (B) Procedure. (Continued)

to draw up an amendment to the agreement (enclosing a certified copy of such vote). Thereupon, the Committee shall draw up an amendment to the agreement setting forth such terms of withdrawal as appear reasonable and advisable, subject to the limitation contained in subsection VII (A). The secretary of the Committee shall promptly mail or deliver a notice in writing to the city council of each member city and to the board of selectmen of each member town that the Committee has drawn up an amendment to the agreement providing for the withdrawal of a member municipality, enclosing a copy of such amendment. Such amendment shall be acted upon by each of the member municipalities and shall take effect in accordance with the provisions of subsection VII (C) above.

(C) Cessation of Terms of Office of Members from Withdrawing Cities and Towns. Upon the effective date of withdrawal the terms of office of all members serving on the regional district school committee from a withdrawing municipality shall terminate and the total membership of the Committee shall be decreased accordingly.

(D) Apportionment of Capital Costs after Withdrawal. A withdrawing municipality's annual share of any future installment of principal and interest on obligations outstanding on the effective date of its withdrawal shall be fixed at the percentage prevailing for such municipality at the last annual apportionment made prior to the effective date of the withdrawal. The remainder of any such installment after subtracting the share of any municipality (or municipalities) which have withdrawn shall be apportioned to the remaining member municipalities in the manner provided in subsection IV(D).

SECTION X. TUITION STUDENTS

The Committee may accept for enrollment in the regional district school pupils and persons from municipalities other than the member municipalities on a tuition basis. Income received by the District from tuition pupils and not previously deducted from operating costs shall be deducted from the total operating costs in the next annual budget to be prepared after the receipt thereof, prior to apportionment under subsections IV (E) and IV (F) to the member municipalities.

SECTION XI. ADVISORY COMMITTEES

The regional district school committee may, to assist it in the construction or operation of the regional district school, appoint a committee or committees to advise it with respect to plans, specifications, appointment of architects, engineers, the awarding of contracts, the supervision of construction, or any other matter as the regional district school committee may desire. The members of any such committee shall serve in an advisory capacity only and without compensation.

SECTION XII. ANNUAL REPORT

The Committee shall submit on or before January 31 of each year an annual report to each of the member municipalities.

SECTION XIII. EMPLOYMENT OF TEACHERS AND OTHER PERSONNEL

Every teacher serving at the discretion of the local school committee of a member municipality of the District (tenure teacher) whose position is superseded by reason of the establishment and operation of the regional school district, shall be employed by the regional district school committee. Such teacher shall not acquire tenure in accordance with the provisions of Section 42 B of Chapter 71 of the General Laws, but shall acquire tenure in the manner otherwise provided for by law. Any teacher not serving at the discretion of the local school committee of a member municipality of the District (nontenure teacher), whose position is superseded by reason of the establishment and operation of the regional school district, shall be given preferred consideration for similar positions in the district school to the extent that such positions exist therein. Any non-teaching employee whose position is superseded by reason of the establishment and operation of the regional school district, shall be given preferred consideration for similar positions in the district school to the extent that such positions exist therein.

IN WITNESS WHEREOF, this agreement has been executed as

of the 26th. day of July, 1967.

HAVERHILL, NEWBURYPORT, AMESBURY, BOXFORD, GEORGETOWN, GROVELAND, IPSWICH, MERRIMAC, NEWBURY, ROWLEY, SALISBURY, AND WEST NEWBURY REGIONAL VOCATIONAL SCHOOL DISTRICT PLANNING BOARD.

Paul J. Chase
Joseph S. Bunk
~~Dorothy McDonald~~
~~Joseph W. Harmon~~
Bradley Fuller
Bruno Bauer
Norman L. Cote
Charles E. Goodwin
Anthony L. Guerin
Edward C. Bryant
O. Gordon Price
Ward Wiggert
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Ray C. ...
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~~...~~

Robert W. ...
William A. ...
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Raymond ...
John E. ...
Arthur ...
Charles ...
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Doris ...
Walter ...
Edward J. ...
Robert ...
Gene ...
Walter ...
Ken ...

APPROVED

The Commonwealth of Massachusetts
Department of Education

By Oswald ...

SEP 13 1967

The Commonwealth of Massachusetts
Emergency Finance Board

By ...

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Arthur H. MacFarlane

SEP 7 1967