

**AGREEMENT BETWEEN THE TOWNS OF
ACUSHNET, CARVER, LAKEVILLE, MATTAPOISETT, and
ROCHESTER, MASSACHUSETTS**

**With Respect to the Establishment of a
REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL DISTRICT**

Agreement between the towns of Acushnet, Carver, Lakeville, Mattapoisett, and Rochester, Massachusetts, with respect to establishment of a Regional Vocational Technical High School District.

This Agreement is entered into Pursuant to Chapter 71 of the General Laws of Massachusetts, as amended by and among the Towns of Acushnet, Carver, Lakeville, Mattapoisett, and Rochester, hereinafter sometimes referred to as member towns. In consideration of the mutual promises herein contained, it is hereby agreed as follows:

SECTION I REGIONAL DISTRICT SCHOOL COMMITTEE

A. Composition

The powers and duties of the regional school district shall be vested and exercised by a regional district school committee hereafter sometimes referred to as the Committee.

All appointments to the Committee to be made by any member town and the filling of any vacancy shall be made by an appointing Committee; consisting of three (3) members of the Board of Selectmen, three (3) members of the local School Committee, and the Town Moderator, who shall be the Chairperson. The Board of Selectmen and the local School Committee shall designate the members of their respective Boards who will serve on the appointing Committee. If a member town has no local school committee because it is a member of a kindergarten through twelve regional school district, the appointments and filling of vacancies to be made by such town shall be made by the joint action of the Board of Selectmen, the members from the town's membership on a kindergarten through grade twelve regional district school committee and the Town Moderator, who shall be the Chairman. All members of the Committee shall serve until their successors are appointed and qualified.

B. Initial Committee

Within ten (10) days after the establishment of the regional school district, the towns of Acushnet, Carver, Mattapoisett, and Rochester shall each appoint three members to serve on the Committee, all of whom shall have been members of the regional school district planning board, which submitted this agreement if such persons are available and willing to serve. The members so appointed shall serve on the Committee until their respective successors are appointed and qualified as provided in subsection I (C).

C. Permanent Committee

On or before May 1st of the year next following the year in which the regional district school has enrolled pupils, each member town shall appoint three (3) members to serve on the Committee, one for a term of one (1) year, one for a term of two (2) years, and one for term of three (3) years. Thereafter, in every year in which the term of office of a member expires, the member town involved shall appoint one member to serve on the Committee for a term of three (3) years from May 1 of the year in which the appointment is required to be made.

D. Vacancies

If a vacancy occurs among the members appointed under subsection I (B), the town involved shall within thirty days after such vacancy occurs appoint a member to serve until his/her successor is appointed and qualified as provided in subsection (C). If a vacancy occurs among the members appointed under subsection I (C), the member town involved shall, within thirty days after such vacancy occurs, appoint a member to serve for the balance of the unexpired term.

E. Organization

Promptly upon the appointment and qualification of the members of the initial committee and annually thereafter, at the first regular meeting of the Committee held in the month of May, the Committee shall organize and choose by ballot a chairman and vice-chairman from among its own membership.

F. Power and Duties

The Committee shall have all the powers and duties conferred and imposed upon school committees by law and conferred and imposed upon it by this agreement, and such other additional powers and duties as are specified in Section 16 to 16 (I) inclusive, of Chapter 71 of the General Laws and any amendments thereof, or additions thereto now or hereafter enacted, or as may be specified in any other applicable general law or special law.

G. 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 LOCATION OF THE REGIONAL DISTRICT SCHOOL

The Regional District School shall be located within the geographical limits of the District and within a radius of two miles of the junction of North Avenue and Route 105, said point as described herein being in the northwest corner of the town of Rochester.

SECTION III TYPE OF REGIONAL SCHOOL DISTRICT

The regional district school shall be a technical and vocational high school consisting of grades nine through twelve, inclusive. The Committee is hereby authorized to establish and maintain such kinds of education, action as trustees therefore, as may be provided by towns under provisions of Chapter 74 of the General Laws and Acts amendatory thereof, in addition thereto or dependent thereon, including courses beyond the secondary level in accordance with the provisions of Section 37A of said Chapter 74.

SECTION IV APPORTIONMENT AND PAYMENT OF COSTS

A. Classification of Costs

For the purpose of apportioning assessments levied by the District against the member towns, 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, or adding to a school building or buildings, the cost of remodeling or making extraordinary repairs to a school building or buildings, the cost of constructing sewerage systems and sewerage treatment and disposal facilities or the cost of the purchase or use of such systems with a municipality, and any other item of capital outlay for which a regional school district may be authorized to borrow, including without limitation the cost of original equipment and furnishings for such school buildings or additions, plans, architects' and consultants' fees, grading and other costs incidental to replacing school buildings and additions, sewerage systems and sewerage treatment and disposal facilities, and any premises related to the foregoing in operating condition. Capital costs shall also include payment of principal of an interest on bonds, notes, or other obligations issued by the District to finance capital costs.

C. Operating Costs

Operation 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 to the member towns annually for the ensuing year in the following manner. Each member town's share of ninety (90) percent of the capital costs for each fiscal year shall be determined by computing the ratio, which the town's pupil enrollment in the regional district school on October 1 of the fiscal year next preceding the fiscal year for which the apportionment is determined bears to the total pupil enrollment from all the member towns on the said date. In the event that there is no enrollment in the regional district school from all the member towns on October 1 of any such year, the said ninety (90) percent of capital costs for the ensuing fiscal year shall be apportioned on the basis of the enrollment in all public, private, and parochial schools wherever located of pupils in all the grades from the kindergarten through grade twelve residing in each member town on October 1st. Each member town's share of the other ten (10) percent of the capital costs for each fiscal year shall be apportioned on the basis of the enrollment in all public, private, and parochial schools wherever located of pupils in all grades from kindergarten through grade twelve residing in each member town on said October 1 of the fiscal year preceding the fiscal year for which the apportionment is determined. Capital costs represented by debt service shall be apportioned as a capital cost of the fiscal year in which the debt service falls due.

E. Apportionment of Operation Costs

All operating costs, except those described in subsection IV (F), for the first fiscal year next following the establishment of the regional school district, and for every fiscal year thereafter, shall be apportioned to the member towns on the basis of each town's respective pupil enrollment in the regional district school. Each member town's share for each fiscal year shall be determined by computing the ratio, which that member town's pupil enrollment in the regional district school on October 1 of the fiscal year preceding the fiscal year for which the apportionment is determined bears to the total pupil enrollment in the regional school from all the member towns on the same date. In computing this apportionment, the pupil hours 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 for the ensuing fiscal year shall be apportioned on the basis of the enrollment in all public, private, and parochial schools wherever located of pupils in all the grades from kindergarten through grade twelve residing in each member town on said October 1.

F. Special Operating Costs

The Committee shall determine the operating costs for each fiscal year of any evening trade extension courses or any other type of courses, which are offered by the District to persons other than the pupils attending the regular day regional vocational school.

Each member town's share of such operating costs shall be determined by computing the ratio, which that town's enrollment of pupil hours in such courses on November 1 of the fiscal year next preceding the fiscal year for which the apportionment is determined bears to the total enrollment pupil hours in such courses from all the member towns on the same date. In the event that enrollment of pupil hours in such courses has not been accomplished by November 1 of any fiscal year, such operating costs for the ensuing year shall be apportioned on the basis of the enrollment in all public, private, and parochial schools wherever located of pupils in all the grades from kindergarten through grade twelve residing in each member town.

G. Times of Payment of Apportioned Costs

Each member town shall pay to the district in each fiscal 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) and in this subsection, the annual share of each member town shall be paid in the amounts and at the times specified in section XI so that at least the following percentages of such annual shares be paid on or before the dates indicated respectively:

September 1	25%
December 1	60%
March 1	75%
May 15	100%

Except that for the fiscal period beginning January 1, 1973 and ending June 30, 1974, the dates on or before which the respective percentages of the costs of the District for said period apportioned to each member town shall be paid as follows:

April 1	15%	December 15	70%
June 1	30%	March 1	85%
September 1	45%	May 15	100%

SECTION V BUDGET

A. Initial Budget

Within sixty (60) days after the initial regional district school committee is organized, it shall prepare a reasonably detailed operating and maintenance budget covering expenses, if any, for the balance of the then fiscal year. Copies of such proposed budget shall be submitted to the Chairman of the Finance or advisory Committee of each member town, or if there is not a finance or advisory committee in a member town, to the Chairman of the Board of Selectmen for its consideration. A budget shall be adopted not earlier than fourteen (14) days, but within twenty-one (21) days after the proposed budget has been so submitted. The amount of the said budget shall be apportioned among the member towns according to the provisions of Section IV herein. The regional district treasurer shall certify to the treasurer of each member town its respective share of said budget. The sums thus certified shall be payable by each member town to the regional district school committee, but only from funds which may be or may have been appropriated by each member town for such purposes.

B. Tentative Operating and Maintenance Budget

Thereafter, the Committee shall annually prepare a tentative operating and maintenance budget for the ensuing fiscal year, attaching thereto provision for any installment of principal or interest to become due in such fiscal year on any bonds or other evidence of indebtedness of the District and any other capital costs to be apportioned to the member towns. The said Committee shall mail a copy thereof to the Chairman of the Board of Selectmen and the Finance or Advisory Committee, if any, of each member town on or before the first week of February, itemized as follows, or in such detail as the Committee may deem advisable:

1. Administration
2. Instruction
3. Other School Services
4. Operating and Maintenance of Plant
5. Fixed Charges
6. Acquisition of Fixed Assets
7. Community Services
8. Debt Retirement and Debt Service
9. Programs with other Districts and Private Schools

C. Final Operating and Maintenance Budget

The Committee shall adopt an annual operating and maintenance budget, including debt and interest charges and any other capital costs as separate items on any date between February 1st and March 31st, but no later than forty-five (45) days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held.

Said Committee shall apportion the amount necessary to be raised in order to meet the said budget in accordance with the provisions of Section IV: The amounts so apportioned to each member town shall be certified to the treasurers of the several towns within thirty (30) days from the date on which the annual budget is adopted and each such town shall, at the next town meeting, 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 towns as an operating cost. Notwithstanding the preceding sentence of this section, during the first fiscal year in which the admission pursuant to Section VIII of a new member town is effective, such town shall be responsible for providing school transportation for pupils enrolled in the regional school district and for paying the costs of such transportation.

SECTION VII AMENDMENTS

A. Limitation

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 or notes or other evidences of indebtedness 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.

B. Procedure

Any proposal for amendment, except a proposal for amendment providing for the withdrawal of a member town (which shall be acted upon as provided in Section IX), may be initiated by a vote of a majority of all members of the Committee or by a petition signed by at least ten (10) percent of the registered voters of any one of the member towns. In the latter case, said petition shall contain at the end thereof, a certification by the Town Clerk of such town as to the number of registered voters in said town according to the most recent voting list and the number of signatures on the petition, which appear to be presented to the secretary of the Committee. In either case, the secretary of the Committee shall mail or deliver a notice in writing 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). The Selectmen of each member town shall include in the warrant for the next annual or a special town meeting called for the purpose, an article stating the proposal or the substance thereof. Such amendment shall take effect upon its acceptance by all the member towns, acceptance by each town to be by a majority vote at a town meeting as aforesaid.

SECTION VIII ADMISSION OF NEW TOWNS

By an amendment of this agreement under an 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 amendment.

SECTION IX WITHDRAWAL

B. Limitation

The withdrawal of a member town from the District may be affected by an amendment to this agreement in this manner hereinafter provided by this section. Any member town seeking to withdraw shall, by vote an annual or special town meeting, request the Committee to draw up an amendment to this agreement setting forth the terms by which such town may withdraw from the District, provided that the said town 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 town had not withdrawn from the District.

B. Procedure

The Clerk of the town seeking to withdraw shall notify the Committee in writing that such town has voted to request the Committee 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 it deems advisable, subject to the limitation contained in Subsection VII (A). The secretary of the Committee shall mail or deliver a notice in writing 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 town shall include in the warrant for the next annual or a special town meeting called for the purpose of an article stating the amendment or the substance thereof. Such amendment shall take effect upon its acceptance by all the member towns, acceptance by each town to be a majority vote at a town meeting as aforesaid.

C. Apportionment of Capital Costs after Withdrawal

The withdrawing town's annual share of any future installment of principal and interest on obligations outstanding on the effective date of its withdrawal shall be no less than the average of such town's annual capital cost apportionment percentages for the three years next preceding the year in which its withdrawal becomes effective, or, in case such withdrawal becomes effective before there shall have been an apportionment of capital costs for three years next preceding the year in which such withdrawal becomes effective, the withdrawing town's annual share of such future installments of principal and interest shall be not less than the average of such town's annual capital cost apportionment percentage for such of the year or years preceding the year in which its withdrawal becomes effective for which an apportionment of capital costs shall have been made. The remainder of any such installment after subtracting the share of any town or towns which have withdrawn shall be apportioned to the manner provided in Subsection IV (D) or as may be otherwise provided in the amendment providing for such withdrawal.

SECTION X TUITION STUDENTS

The Committee may accept for enrollment in the regional district school, pupils from towns other than member towns on a tuition basis at a cost not less than the average cost of educating a pupil in the District for the previous school year. 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 Subsection IV (E) to the member towns. No tuition pupils shall be admitted so long as there are eligible applicants available from member towns.

SECTION XI FISCAL YEAR

Except as may otherwise be provided by law, the fiscal year of the District shall be the same as the fiscal period of the member towns and the work year or fiscal year as it relates in this agreement to a fiscal or budget period shall mean the fiscal year of the District. If the fiscal year of the District be other than the calendar year, the dates on or before which the respective percentages of the annual share of each member town shall be paid as provided in Subsection IV (G) shall be adjusted so that not less than 25% thereof shall be paid not later than the first day of the third month of such fiscal year, 60% shall be paid not later than the first day of the sixth month of such fiscal year, 75% shall be paid not later than the first day of the ninth month of such fiscal year, and 100% shall be paid not later than the fifteenth day of the eleventh month of such fiscal year.

SECTION XII QUOTA OF PUPILS FROM EACH MEMBER TOWN

The Committee shall enroll in the District school those pupils from the various member towns who, in its judgment, are best suited to profit from the instructional program offered; provided, however, that each member town shall have available to it a guaranteed minimum number of enrollees in the day school in any one year as follows: Acushnet, 200; Carver, 150; Lakeville, 60; Mattapoisett, 110; and Rochester, 85; if such pupils are available and willing to attend. Each member town, through its representatives to the District Committee, shall certify to the District Committee, the names of those pupils who are counted under the provisions of the guaranteed minimum by May 1. On or before May 15 of any year preceding the opening of the school year, the following September, the District Committee shall determine the number of vacancies remaining unclaimed under the guaranteed minimum, which vacancies shall be known as the surplus enrollment. Each town's quota of the surplus enrollment shall be determined each year by multiplying the number representing surplus enrollment by a fraction, the numerator of which shall be the number of pupils residing in each member town who are attending all the grades from kindergarten through grade twelve in any public, private, or parochial schools wherever located on the previous October 1 and the denominator of which shall be the number of pupils from all the member towns who are attending all the grades from kindergarten through grade twelve in any public, private, or parochial schools wherever located on the same date.

SECTION XIII INCURRING OF DEBT

Within seven (7) days after the date on which the Committee authorizes the incurring of debt, other than temporary debit in anticipation of revenue to be received from member towns, the said Committee shall cause written notice of the date of said authorization, the sum authorized, and the general purpose or purposes for authorizing such debt, to be given to the Board of Selectmen of each member town. The notice for which provision is herein made shall be deemed to have been duly given to a Board of Selectmen of a member town if delivered to the Chairman of said Board or if mailed by registered or certified mail within the time specified, postage prepaid and addressed to the Chairman of said Board at the Selectman's office or at his last known permanent address in such town. Within sixty (60) days after the date on which the Committee authorized the incurring of said debt, each member town shall hold a town meeting for the purpose of expressing approval or disapproval of the amount of said debt and if at such meeting, a majority of the voters present and voting thereon express disapproval of the amount authorized by the Committee, the said debt shall not be incurred and the Committee shall thereupon prepare another proposal, which may be the same as any prior proposal and an authorization to incur debt therefore.

SECTION XIV ADMISSION OF LAKEVILLE

A. Effective Date of Admission

Upon a vote of the Town of Lakeville to accept the provisions of the Agreement, as amended, said Town shall be admitted as a member town of the District within thirty (30) days following acceptance by the original member towns of Amendment No. 6 to this Agreement and upon approval by the Department of Elementary and Secondary Education of the Commonwealth of Massachusetts of said Amendment No. 6 to this Agreement and the admission of the Town of Lakeville as a Member Town of the Old Colony Regional Vocational Technical High School District.

B. Initial Members of the Committee

Within thirty (30) days following the acceptance by the original member towns of Amendment No. 6 to this Agreement and upon the approval by the Department of Elementary and Secondary Education of the Commonwealth of Massachusetts of Amendment No. 6 of this Agreement and the admission of the Town of Lakeville as a Member Town of the Old Colony Regional Vocational Technical High School District, the Moderator, Chairman of the Board of Selectmen, and the Chairman of the School Committee of the Town of Lakeville, acting jointly, shall appoint three (3) members to serve of the Committee, one (1) for a term of one (1) year, one (1) for a term of two (2) years, and one (1) for term of three (3) years. Thereafter in every year in which the term of office of a member expires, Lakeville shall appoint one member to serve on the Committee in accordance with the provisions of Section I of the Agreement.

C. Apportionment of Operating and Capital Costs

Except as otherwise provided in this subsection, capital costs and operating costs shall be apportioned to the Town of Lakeville in accordance with Subsections IV (D) and IV (E), respectively of the Agreement. In the first fiscal year in which the admission of Lakeville is effective, it shall pay as its share of the capital costs and operating costs for such fiscal year, an amount equal to that which the town would pay if its pupils enrolled in the regional school district were tuition pupils. After the first fiscal year in which the admission of Lakeville is effective, the town's share of capital and operating costs shall be determined in accordance with Section IV and, in addition thereto, commencing on the second fiscal year in which such town is a member and continuing through the eleventh such fiscal year, as partial reimbursement to the original member towns of Acushnet, Carver, Mattapoisett, and Rochester for their payment of capital costs on account of the original regional school district building, such town shall pay an annual surcharge of \$31,914.00. The Committee shall determine the amount necessary to meet the annual operating and maintenance budget and shall allocate such amount among the member towns without taking such surcharge into account. After making such allocation, the Committee shall apply the amount of the surcharge to reduce the shares of capital and operating costs of the original member towns, which are not then

required to pay a surcharge, in the proportion as capital costs are allocable among such towns pursuant to Section IV. For purposes of Section IX, if Lakeville shall withdraw from the District prior to the eleventh year of its membership, such surcharge shall be deemed to be part of the Town's share of the indebtedness of the District outstanding at the time of its withdrawal.