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TO: GEORGE SOLAS, SELECTMAN

RE: K-8 WITHDRAWAL OF ELEMENTARY SCHOOL

DATE: MARCH 29, 2022

Below is a legal opinion as to the process and impacts of K-8 withdrawal of the elementary school from the Dighton-Rehoboth Regional School District, which the Town may present to the Rehoboth Town Meeting in the late Summer or Fall of this year. The process for K-8 withdrawal is laid out in Section IX of the Amended Regional Contract. Below is a summary of the process, which includes a Town Meeting Vote, Election of a new school committee, separation of finances, and new teachers' contracts.

I. FACTS

Section IX of the Regional Contract, as amended in 1987, is titled "Withdrawal of Elementary Grades K-8." This section lays out the process and impacts of K-8 withdrawal of the elementary schools. It states that if any member town votes, at annual or special town meeting, to resume jurisdiction over the education of pupils in grades kindergarten through eight, all of the member towns of the District shall resume jurisdiction over the education of pupils in grades kindergarten through eight, *beginning with the next fiscal year following the first full fiscal year after the vote to resume such jurisdiction had been taken*. At its next annual town election held after such vote each member town shall elect a school committee to prepare for the resumption of jurisdiction over the pupils in grades kindergarten through eight. This section only applies to withdrawal of the elementary schools and would not apply to de-regionalization of the District as a whole.

Given the unique relationship between K-8 withdrawal and the annual budget process, you have informed us that the Town may place this before the Rehoboth Town Meeting in late Summer or Fall of this year.

II. ANALYSIS

A. Process

Section IX of the Agreement is an alternative to amendment or using the withdrawal process to resume jurisdiction over grades K-8. After a vote at Town Meeting or Special Town Meeting to remove K-8 from the District, the Clerk of the town that voted to resume jurisdiction (here, Rehoboth) must notify the Regional Committee and other member towns Boards of Selectmen (and provide a certified copy of the vote from the Town Clerk) and it is conclusive upon notice to the member Town, effectively allowing for unilateral withdrawal of the elementary schools. Commencing with the effective date of the resumption of such

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jurisdiction, such town and every other member town of the District assumes sole jurisdiction and responsibility over the education of pupils in grades kindergarten through eight residing in their respective towns. The agreement is considered to be automatically amended so that the Regional Committee no longer has jurisdiction over K-8 and all reference to K-8 in the agreement is considered to refer to grades 9-12. Each town will be responsible for their own capital costs and payment of all principal and interest on obligations issued by the District for grades kindergarten through eight located in that town. This means that any costs incurred by the elementary schools while participating in the District will have to be separated out and become the sole responsibility of the town in which the school lies. Any costs for the elementary schools going forward will also be paid for by the individual towns, and each will require their own separate funding, including capital costs, salaries, and benefits.

If the vote to withdraw K-8 occurs at Town Meeting in late Summer or Fall of 2022, Rehoboth's new K-8 schools would commence operations in Fiscal Year 2025, beginning July 1, 2024. The election of a new school committee would need to occur at the annual town election in April of 2023. The newly elected school committee will be required to plan and prepare for the transition, including collective bargaining, hiring staff, new teachers and administrative contracts, finances, budgeting, etc. The budget for the schools must be approved at the Annual Town Meeting in May of 2024.

B. Staffing Impacts

Withdrawal of K-8 will have an impact on the teachers and administration in each of the elementary schools. The current Teachers' contracts for the Regional District are between the Regional Teachers Association and Regional School Committee. Withdrawal of the elementary schools means that the Regional School Committee will no longer include K-8 teachers and administration. This will have bargaining implications on the teachers' contracts and will likely result in a new contract for K-8 staff under the newly formed School Committee. Assuming the teachers' retirement is part of the Mass Teachers Association included in the State Fund, teachers will likely have the option to leave their retirement in the State Fund until a new contract is formed and payments to the retirement fund can resume under a new contract. Teachers and staff may be laid off by the District and re-hired by the elementary schools under the new formation.

In summary, the Contract provides a streamlined process for withdrawing the elementary schools. All elementary school funding and services currently provided by the Regional District would become the sole responsibility of the Town. The Town should be willing and ready to take on these services.