REGULAR Meeting of the AMHERST School Committee
6:00 PM, WEDNESDAY, June 14, 2017
Library
Amherst Regional High School

AGENDA

1. Welcome 6:00 p.m.
   A. Call to Order
   B. Approve Minutes—May 17, 2017

2. Announcements and Public Comments 6:05 p.m.

3. Interim Superintendent’s Update 6:15 p.m.
   • Furthering Diversity in K-12 Schools through Student Assignment Conference

   A. Open Meeting Law Complaint Response from Attorney General
   B. School Building Committee Composition Discussion 6:30 p.m.
   C. Enrollment Group (Vote) 6:45 p.m.
      a. POTENTIAL MOTION: To task the superintendent with forming an enrollment working group to develop a menu of potential solutions to the ongoing enrollment challenges facing the district by the end of the calendar year

D. UFCW Recognition Agreement (Vote) 7:00 p.m.
   a. POTENTIAL MOTION: Move to accept the enclosed recognition agreement between the School Committees of Amherst, Pelham, and the Amherst-Pelham Regional School District and the United Food and Commercial Workers Union, Local 1459.

E. Bill S223FBRC (An Act Modernizing the Foundation Budget for the 21st Century) Discussion (with Representative S. Goldstein-Rose by phone) 7:10 p.m.

F. Amherst School Committee Subcommittees Assignments 7:30 p.m.

G. Public Comment Format 7:40 p.m.

H. Accept Gifts 7:50 p.m.

5. School Committee Planning 7:55 p.m.

6. Adjournment 8:00 p.m.
1. Call to Order and Approve Minutes 6:04 p.m.
Ms. Hazzard called the meeting to order at 6:04 p.m. and reviewed the agenda. Mr. Demling moved to approve the minutes from April 25, 2017. Ms. Ordonez seconded and the motion was approved by roll call vote as follows: Demling—Aye; Hazzard—Aye; Nakajima—Aye; Ordonez—Aye; Douangmany-Cage—Abstaining. Mr. Nakajima moved to approve the minutes of May 1, 2017. Mr. Demling seconded and the motion was approved by roll call vote as follows: Demling—Aye; Hazzard—Aye; Nakajima—Aye; Ordonez—Aye; Douangmany-Cage—Abstaining.

2. Announcements and Public Comment 6:08 p.m.
Ms. Hazzard stated that a response has been received from the Attorney General regarding an open meeting law complaint against the Regional School Committee. Since it is a Regional School Committee matter, it will not be addressed at tonight’s meeting but will be on the agenda for the May 23 Regional School Committee meeting. Ms. Hazzard also noted that a number of people have expressed interest in having a process by which public comment can be made at times other than the beginning of the meetings. She said the committee will discuss this at a future meeting. Mr. Demling noted that public comment is guided by policy, so a change to it would go through the policy review process.

Toni Cunningham, parent, noted that she supports the effort to offer a survey to families who do not choose to attend the Amherst Schools. She expressed support for also establishing a standard process for surveying families who exit the district. Ms. Cunningham applauded Dr. Morris for his openness and honesty at recent post-building project presentations and encouraged School Committee members to host multiple, two-way discussion opportunities for families. Laura Draucker, community member, noted that the best approach to community engagement is to start with a diverse committee, begin with a very robust public engagement process that has been vetted by as many people as possible, have a written comment process that solicits comments that propose actual alternatives and are shared publicly. Maria Kopicki, community member, spoke about the need to have a broad, diverse building committee that has diverse voices at the table. She strongly encouraged the School Committee to record and broadcast all meetings of committee and subcommittee meetings as a way to ensure transparency. Judy Hamilton, Crocker Farm parent, spoke on behalf of the leadership team from Vote Yes. She stated that she is hopeful that lessons have been learned from the past process, noting that she hopes that the parents involved on the building committee have younger children since they will be the ones who use the school in the future. Ms. Hamilton noted that the School Committee is being asked to begin now addressing all of the enrollment issues that face the district since they cannot wait until the building process is complete. Vince O’Connor, community member, suggested that the School Committee consider allowing public comment during discussion of agenda items. He thanked the School Committee and the Superintendent for having an effective, well-thought out process for addressing bullying issues. Katherine Appy, former School Committee member, Town Meeting member and parent, spoke about the importance of separating the current enrollment issues from the building project, noting the inequities presented by these issues. She noted that the enrollment issues are in the School Committee’s authority and encouraged them to address them with urgency. Janet McGowen, community member, urged the committee not to feel bound to the MSBA process, but to develop a public process that truly reaches out to the community so that people are heard.

3. New and Continuing Business 6:24 p.m.
A. Role and Membership of Fort River Feasibility Study Building Committee
Ms. Hazzard noted that the goal of tonight’s discussion is to talk about what the school building committee’s role is and what steps need to be taken as a committee to decide on the profile of committee members. Dr. Morris read the Town Meeting Article to remind the committee and audience of what Town Meeting charged the building committee to accomplish. He noted that there is no commitment to put a building up for a vote at the end of this process; rather the charge is to gather data for consideration by Town Meeting. Dr. Morris noted that comments from the previous building committee members had three consistent themes:
Dr. Morris noted that he thinks the work of the building committee is about the possibilities of the Fort River site, not about grade configuration or the educational plan. Mr. Nakajima asked Dr. Morris to speak to whether the building committee would address the preschool issue and to speak more about the educational plan. Dr. Morris addressed the preschool issue, noting that the School Committee could give the school building committee a directive to look into that as part of their work. Dr. Morris noted that educational programs do have some impact on design, but it is mostly technical. Ms. Ordonez said that she has heard a desire from community members to be involved throughout the entire process. She noted that she thinks people are very concerned about the issue of grade configuration and the educational plan so she believes the two processes—the educational plan and the building committee/site assessment—need to happen simultaneously. She suggested finding a way to address the issue of educational planning, perhaps by having it as a standing agenda item. Dr. Morris agreed, noting again that there is no commitment from the town to actually build this building. The only commitment at this time is to fund researching the feasibility of the Fort River site. He said that there are known equity and enrollment challenges that must be addressed. Ms. Douangmany Cage noted that her concern for the building committee is to bring those who have been on opposite sides together at the table with equal voices in a bipartisan process. Mr. Demling noted that his understanding has been that the building committee will develop a set of proposals for renovation or building that would be voted on by the School Committee for a recommendation to Town Meeting. Dr. Morris noted that there was not a vote at Town Meeting to bring this forward for a Town Meeting vote on approving a building, as is the case with an MSBA project. Mr. Nakajima noted that we want to find a project that staff, families and the community can be excited about and will want to move forward with. He said we need to come up with a variety of possible configurations for the building committee to ensure that the committee is functional and to find creative ways to engage those who cannot be on the committee. Dr. Morris noted that he heard the feedback regarding grade configuration and would not go down that road at this time. With regard to co-location, he does not think it would be financially practical for a fully town-funded school.

Discussion turned to the profile of the building committee. Ms. Ordonez said that she is wary of making the committee too large, noting that she would not go beyond the size of the last building committee. She expressed support for having representation from parents of older children who have gone through the school and noted that she sees the benefit of having a liaison from Town government. Mr. Demling noted that the community engagement will need to be much more robust if the committee is smaller. He suggested that members of the committee should be there not to express their personal opinion but to take in data and run the community engagement. Mr. Demling spoke about the possible ways of selecting members for the committee, noting the potential to have community input into the way in which selections are made. Ms. Douangmany Cage said that real effort needs to be made to ensure that people from some of the under-represented populations are involved. She suggested having the Family Center help with outreach. Mr. Nakajima noted that there were a lot of competencies on the last building committee that would logically be included on such a committee. He agreed that having a liaison with town government would be helpful. Mr. Nakajima noted that he believes that there will be people who very much want to be involved and engaged but cannot be on the committee. He said the School Committee has an obligation to ensure that people are well-engaged and meaningfully involved. Dr. Morris noted that he believes it is really important to have a representative from SEAPC, someone with knowledge about procurement, and someone from the Facilities staff. Ms. Ordonez requested a list of the previous building committee members with their competencies well in advance of the next meeting so it can be shared publicly and can inform the discussion of the new committee membership. Ms. Douangmany Cage noted that there may be opportunity here to put the participatory action research policy into play. Mr. Demling suggested being Fort River-centrist since it is a Fort River feasibility study. Dr. Morris noted that it is important to ensure that the committee make-up is not just people who are directly connected to the schools. He noted that it is a town-wide project, not just a school project. Mr. Nakajima suggested the possibility of creating an empowered group, in addition to the building committee, that would meet regularly and serve as a dialogue, feedback and responsiveness group. It was agreed that Dr. Morris will meet with the Chair and Vice-Chair to develop a draft document to inform the discussion at the next meeting.

B. Arts Integration Update with Susan Wells

This item was moved up on the agenda in the interest of time for Ms. Wells. Dr. Morris introduced Susan Wells, Wildwood librarian and media specialist, noting the innovative arts integration work that happens at Wildwood under her direction. Ms. Wells provided data about the library, noting that they check out about 3,000 books per week. She then utilized the Wildwood library website to review integration projects that are being done as a team with the librarian, the art teacher
and classroom teachers. Ms. Wells invited members of the School Committee to visit one of the Wildwood makerspace activities that take place on Tuesdays and Thursdays. Ms. Hazzard thanked Ms. Wells for coming to make the presentation.

C. Charter/Private/Choice Family Survey

Dr. Morris noted that the surveys have been drafted as a way to solicit feedback from families who choose to attend a school other than the Amherst schools. He explained that the surveys will be sent to families with a self-addressed, stamped envelope and will also include a link to take the survey via Survey Monkey or a QR code. He asked School Committee members to share any feedback on the surveys, noting that they can email comments if they need additional time to review the documents. Dr. Morris noted that the goal is to have the surveys sent out by June 1. Ms. Ordonez suggested including a question about students with special needs unless it was deliberately left out. Dr. Morris said he will craft a question about special needs students. Mr. Demling said that sending an advance letter noting that a survey is coming can generate responses, and sending the survey twice is a good idea. He asked if this survey is geared toward marketing our schools. Dr. Morris explained that we want to understand why people are making the choices they are, and if themes emerge, we need to address them whether they are perception issues or realities of the district. Mr. Nakajima said he believes this survey should be done regularly. He suggested changing “physical infrastructure” in question 12 to “facilities.” Ms. Ordonez noted that she has heard a lot of misinformation around the issue of charter schools and students leaving the district. She suggested making it clear in the initial letter that goes out that we are not in a panic state about the number of students leaving the district, rather, it is important to have data and to use it to change any concerns that can be addressed.

D. Feedback from Initial Post-Building Project Engagement

Dr. Morris reported that the PGOs helped organize post-building project engagement meetings at all three schools to gather feedback, and staff meetings were also held at all three schools. A forum will be scheduled specifically for families with special needs students, and the post-building project presentation will be made at Town Meeting on a date to be scheduled. Dr. Morris noted that there were a number of people at the meetings who had not been at meetings for the building project so a broader group is being engaged. With regard to addressing the enrollment issues, Dr. Morris noted that redistricting for 2018-2019 is too soon to do the process well. He said the fall of 2019 is the earliest he would recommend and suggested that a working group could be put together to begin work this summer. Dr. Morris noted that such a working group would visit other schools, research options and report to the School Committee about their work each month over a course of eight months or so. Mr. Demling suggested asking the Principals to seek feedback from their staff members to be shared with the Superintendent and School Committee to address working conditions. He asked Dr. Morris to speak to what he sees the charge of the group to be. Dr. Morris said it would be studying, in-depth, as many ideas to address enrollment issues as is feasible. Mr. Nakajima noted that, as a process matter, we would want to determine how we would set priorities on which to focus. Ms. Ordonez noted that she likes the idea of developing several different options to consider and decide upon. Mr. Demling noted that he looks at this as a constraint-based problem due to the schedule. He said there is not enough time for a master plan, but he supports looking at as many creative ideas as possible given the time constraints. Dr. Morris noted that, if done well, he does not think eight months to come up with a menu of options is rushed. Discussion continued regarding the way in which priorities for focus will be set by the full committee. Dr. Morris noted that he does feel some urgency to get started on the enrollment issues.

E. School Committee Communication with the Public

Ms. Hazzard said that she would like to explore ways to keep the public regularly updated on what is happening and what is coming up on future agendas. Ideas she suggested are having “office hours,” farmer’s market outreach, working with The Gazette to have a regular column written by one or two members, or having a small item in the ARPS Updates. Ms. Ordonez said that having a regular voice in The Gazette would be good place to start because of the nature of that media. She noted that making the schools’ issues more visible in a regular way, to a broad swath of the community, is important. Mr. Nakajima volunteered to reach out to the editor of The Gazette about this possibility. Ms. Douangmany Cage suggested revising the Amherst Media show about the schools. Dr. Morris offered to support outreach about this possibility with Amherst Media. Ms. Ordonez suggested that the first topic for the article in The Gazette should be about seeking community feedback on the issues discussed tonight. Mr. Nakajima suggested that Dr. Morris could do short segment videos for Amherst Media on the topics on which public feedback is needed.
F. Interim Superintendent Evaluation Instrument

**DOCUMENT: End-of-Cycle Summative Evaluation Report—Amherst**

Ms. Hazzard noted that the evaluation instrument presented tonight was revised with input from Dorothy Presser of MASC. Ms. Ordonez suggested adding something about diversity under indicator II-B. Ms. Ordonez then moved to approve the end-of-cycle summative evaluation instrument, and Mr. Demling seconded. Dr. Morris noted that the committee will receive a document from him tomorrow that includes links to artifacts that inform the elements and his goals. After discussion, Ms. Ordonez moved to amend her initial motion to amend indicator IIB to read “Implements a cohesive approach to recruitment, hiring, induction, development, and career growth that promotes diversity, as well as high-quality and effective practice.” Mr. Demling seconded and, after brief discussion, the amendment was unanimously approved by roll call vote. The original amended motion was then approved unanimously by roll call vote. There was discussion of the methodology to use for the survey, with Dr. Morris explaining that Survey Monkey can be set to allow respondents to go in more than once to work on the survey. A pdf copy of the respondent’s submission can be emailed to them by Ms. Westmoreland. The consensus of the committee was to use Survey Monkey as the collection tool.

5. Interim Superintendent’s Update

**DOCUMENT: Interim Superintendent’s Update to the Amherst School Committee dated May 17, 2017**

Dr. Morris distributed his written update and briefly spoke about:

- The Black Scholars Rising event last week;
- The Bias-Based Incidents Conference he and five other staff members attended on May 10;
- The Special Education Survey that is currently being conducted with families and staff;
- The Furthering Diversity Conference coming up on June 1;
- The upcoming end-of-year events and activities, including graduation;
- The upcoming joint study between the Town of Amherst and UMass regarding students in tax-exempt housing; and
- An update on final lead water repairs at Wildwood and Fort River.

6. Further Business

A. Clerical/Media Award

**DOCUMENT: Memo to the Amherst School Committee from Debbie Westmoreland, Assistant to the Superintendent re: Clerical/Media Awards dated May 12, 2017**

Mr. Nakajima moved that, in accordance with the Unit B employee contract, the Amherst School Committee approves clerical/media merit awards in the amount of $500 each for Heather Poirier and Georgia Malcolm. Ms. Ordonez seconded and the motion was unanimously approved by roll call vote.

B. Policy Vote: Students—Protection of Undocumented Students

**DOCUMENT: Policy JII Students—Protection of Undocumented Students**

Ms. Ordonez moved to approve the policy Student—Protection of Undocumented Students. Mr. Nakajima seconded and the motion was unanimously approved by roll call vote.

F. Accept Gifts

**DOCUMENT: Memos to the Amherst School Committee from Jill Berry, District Treasurer, Dated March 3, 2017 and May 9, 2017; Memo to the Amherst School Committee from Debbie Westmoreland, Assistant to the Superintendent, re: Donations to Students for the Summer Program, dated May 12, 2017**

Mr. Demling moved to accept any and all donations of supplies and monetary gifts in support of student needs to allow full participation in summer programs for the summer of 2017. Mr. Nakajima seconded and the motion was unanimously approved by roll call vote. Dr. Morris acknowledged the work of AEF and thanked them for the grants they are providing for teachers. He briefly explained what the Champions Course and Torch Bearers Project grants support. Mr. Nakajima moved to accept $5,200 from the Amherst Education Foundation for the Champions Course and Torch Bearers Project. Ms. Ordonez seconded and the motion was unanimously approved by roll call vote. Mr. Demling expressed his gratitude for the incredible work of AEF and noted that he would love to have them come to a future meeting to talk about their work and their grant program. Ms. Ordonez moved to accept $500 from Big Y for Crocker Farm at the Principal’s discretion and $500 from Big Y for Fort River at the Principal’s discretion. Mr. Nakajima seconded and the motion was unanimously approved by roll call vote.
7. School Committee Planning 9:42 p.m.
Ms. Westmoreland will do a Doodle poll for week of June 12 and June 5 for an additional Amherst School Committee meeting. Mr. Demling suggested having someone from MASC and Representative Goldstein come to a meeting to talk about the foundation budget and advocacy. Mr. Nakajima and Ms. Ordonez expressed their support for this.

8. Adjourn 9:46 p.m.
Mr. Nakajima moved to adjourn at 9:46 p.m. Ms. Ordonez seconded and the motion was unanimously approved by roll call vote.

Respectfully Submitted,
Debbie Westmoreland
Furthering Diversity in K-12 Schools Through Student Assignment

June 1, 2017
Georgetown Law Center, Washington, DC

For wifi access, network is gulaw events and password is gohoyas!

8:30-9:00am    Check in Chapel Area, First Floor

9:00-10:15am   Overview and Framing Panel (Location: McDonough 207)

- What’s the state of segregation?
- Why does school segregation matter?
- What is the current legal and political context around diversity efforts?
  What’s the role for various stakeholders to support K-12 diversity?

  Welcome: Sheryll Cashin, Georgetown Law/PRRAC; Greg Kelly, Penn State University
  Moderator: Erica Frankenberg, Penn State University; Panelists: Monique Lin-Luse, NAACP Legal Defense Fund; Tanya Clay House, ClayHouse Consulting Inc.; Iman Abdul, IntegrateNYC4me

10:15am    Break

10:30-11:45am  Technical Aspects of Designing Integrated Schools and Districts
(Location: McDonough 207)

- How do you create diverse schools and school systems?
- What do we know about what school districts are doing?
- How do you define diversity?
- What tools/resources are available to help schools & districts?
- How can choice be used to further integration?

  Moderator: Maree Sneed, Hogan Lovells; Panelists: Kendra Taylor & Jeremy Anderson, Penn State University; Len Stevens; Barbara Dempsey, Jefferson County Public Schools; Shaheena Simons, U.S. Department of Justice
11:45-12:45pm Lunch & Discussion about Cross-Sector Efforts to Further Diversity

Pick up lunches from Chapel Area, First Floor and return to McDonough 207

- How do education policies focused on integration intersect with housing? Transportation?
  - Panelists: Phil Tegeler, PRRAC; Ariel Bierbaum, University of Maryland

1:00-2:15pm Breakout sessions

Magnet Schools (Location: McDonough 109)
  - Facilitators: Jennifer Ayscue, Civil Rights Project & John Laughner, Magnet Schools of America

Charter Schools (Location: McDonough 140)
  - Facilitator: Amy Hawn Nelson, UNC-Charlotte

Between-District (Location: McDonough 110)
  - Facilitator: Jeff Crane, West Irondequoit Central School District (New York)

2:15pm Break

2:30-3:45pm Political Aspects of Integration (Location: McDonough 207)

- How do you educate the community about the benefits of integration and the need for a student assignment policy that considers diversity?
- How does student assignment policy fit as part of a comprehensive district effort towards integration?
- How do you sustain commitment to diversity?
- How do you measure and define the effectiveness of diversity policies?
  - Panelists: Kimberly Bridges, Harvard Graduate School of Education; Arlen Benjamin-Gomez, Columbia University; John Brittain, University of DC Law School; Dennis Parker, ACLU

3:45-4:30pm Moving Forward with Integration Efforts (Location: McDonough 207)

- What’s next for attendees in continuing diversity efforts?
- What resources and/or support are needed for continuing this work?
- How can the Center for Education and Civil Rights, National Coalition for School Diversity, and other partners support this work?
  - Facilitators: Liliana Garces, Penn State University & Tanya Clay House, ClayHouse Consulting Inc.
May 30, 2017
OML 2017 – 88

Thomas Colomb, Esq.
Murphy Hesse Toomey & Lehane LLP
300 Crown Colony Drive, Suite 410
Quincy, MA 02169

RE: Open Meeting Law Complaint

Dear Attorney Colomb:

This office received a complaint from Michael Hootstein on March 31, alleging that the Amherst School Committee (the “Committee”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.1 The complaint was originally filed with the Committee on or about February 23, and you responded, on behalf of the Committee, by letter dated March 16. In his complaint, Mr. Hootstein alleges that a quorum of the Committee deliberated by email regarding an upcoming Town Meeting warrant article.

Following our review, we find that the Committee did not violate the Open Meeting Law. In reaching a determination, we reviewed the original complaint, the Committee’s response to the complaint, and the complaint filed with our office requesting further review. We also reviewed emails sent and received by members of the Committee.

FACTS

We find the facts as follows. The Committee is a five-member public body, thus three members constitute a quorum. Amherst Town Meeting is a representative body of 254 voting members, consisting of some elected and some, like all five Committee members, serving in an ex officio capacity. On January 30, the Town held a Special Town Meeting to consider a warrant article authorizing a bond necessary to proceed with a proposed plan to reorganize the elementary schools. The vote failed. The Committee had initially approved a plan to reorganize the elementary schools more than a year earlier, during its January 19, 2016 meeting, and then voted to formally support the warrant article seeking funding for the project during its January 17 meeting. Leading up to the Special Town Meeting, three Committee

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1 All dates in this letter refer to the year 2017, unless otherwise indicated.
members—Anastasia Ordonez; Phoebe Hazzard; and Dr. Katherine Appy—were included in an email chain of approximately two dozen residents concerning the upcoming Town Meeting. Using their private email addresses, two Committee members sent emails to the group regarding the purchase of mailers and advertising space in the newspaper in support of the warrant article.

On January 18, Ms. Ordonez sent an email to the group, stating,

I just got a reduced price from Sunrise (they're amazing...) of $656 for the copies. This brings our total including mailing to about $1,140. As a reminder, the teachers' petition is being included in the packet so every Town Meeting member who receives it will see the names there. Will have some money left over...so perhaps we can raise a bit more and think about a quarter page ad? Can't fit all the names in it, but perhaps it can include a special message from teachers to TM members?

The next day, in response to an email regarding the submission of an advertisement to a local newspaper, Ms. Ordonez wrote, “Yes, I [plan] to hand deliver my ad and payment, in addition to emailing the camera ready PDF file!” That same day, Ms. Hazzard sent an email regarding a website for raising funds to pay for advertising, writing, “FYI, just tried to make another donation and it said there was a problem and the organizer needs to sign in. Emailed John.”

DISCUSSION

The Open Meeting Law was enacted “to eliminate much of the secrecy surrounding deliberations and decisions on which public policy is based.” Ghiglione v. School Commission of Southbridge, 376 Mass. 70, 72 (1978). The law requires that meetings of a public body be properly noticed and open to members of the public, unless an executive session is convened. See G.L. c. 30A, §§ 20(a)-(b), 21. The law defines a “meeting” as, “a deliberation by a public body with respect to any matter within the body’s jurisdiction.” G.L. c. 30A, § 18. A “deliberation” is defined as “an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that ‘deliberation’ shall not include the distribution of other procedural meeting [sic] or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.” Id. For the purposes of the Open Meeting Law, a “quorum” is a simple majority of the members of the public body. Id.

The complaint alleges that a quorum of the Committee deliberated by email regarding an upcoming Town Meeting warrant article which sought funding for a school building project. The communications at issue concerned raising funds and publishing an advertisement in support of the warrant article. We find that the content of these communications were political in nature and did not affect matters directly before the Committee. While the Committee had approved the project and had formally supported the warrant article, it did not have authority over the financial appropriations for the project. See
OML 2014-14; OML 2012-64. That decision was made by Town Meeting. Statements made by public body members for political purposes that do not concern matters presently or likely to come under consideration by the public body are not communications on public business within the jurisdiction of the public body, and we therefore do not consider such communications to constitute deliberation. See OML 2014-135. Accordingly, we find that no improper deliberation took place. See OML 2016-134; OML 2016-119; OML 2016-22. Recognizing that it is sometimes difficult to determine whether communication constitutes deliberation under the Open Meeting Law, our office cautions public bodies on the use of listservs and other social media. See AGO FAQ on Deliberation and Electronic Communication.\(^3\)

**CONCLUSION**

For the reasons stated above, we find that the Committee did not violate the Open Meeting Law. We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Committee. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,

\[\text{Signature}\]

Hanne Rush  
Assistant Attorney General  
Division of Open Government

cc: Michael Hootstein  
Amherst School Committee

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

\(^2\) Open Meeting Law determinations may be found at the Attorney General’s website; www.mass.gov/ago/openmeeting.

\(^3\) Available at http://www.mass.gov/ago/government-resources/open-meeting-law/oml-faqs/.
Fort River School Building Committee

Description of Committee: On May 3, 2017, Amherst Town Meeting voted to borrow $250,000 “for the purpose of examining site and building feasibility and schematic design options for Fort River School including: site, structural, and environmental analysis; implementation of a community engagement process; formation of a school building committee; development of an education program; selection of an Owner’s Project Manager (OPM ); initial schematic drawings of selected preferred options; and initial schematic designs and independent cost estimates of those designs.” The Amherst School Committee is working to form the School Building Committee (SBC) to complete the work specified in the above Town Meeting article. The SBC is responsible for decisions including hiring an Owner's Project Manager as well as an architect and design team. It will oversee the evaluation of the Fort River site and current building structure and work with designers to ensure that our district's educational goals inform the schematic drawings of both new construction and renovation. Feasibility studies similar to this one typically take 18 months to complete and will involve, at a minimum, monthly meetings as well as work in between meetings.

Draft Fort River School Building Committee Membership

14 Voting Members

- Parent/guardians (3)
  - SEPAC
  - Fort River
  - Parent/guardian at-large
- School-based staff members (3)
  - Fort River
  - Teacher at-large
  - Fort River Principal or Vice-Principal
- Superintendent or his designee (1)
- Town Manager or his designee (1)
- Select Board member (1)
- Finance Committee member (1)
- School Committee member (1)
- Finance staff person from Town (1)
- Director of Facilities (1)
- Community member who is an architect (1)
SAMPLE SBC MEMBERSHIPS OF RECENT ELEMENTARY BUILDING PROJECTS

Zervas (non-MSBA) SBC, Newton, MA
11 Voting Members
Principal
Chief of Operations
City counselors (3)
School Committee members (2)
Deputy Superintendent
Deputy Commissioner, Public Buildings Dept.
Mayoral designee
Associate City Solicitor
(non-voting members: local architect, superintendent, chief procurement officer, mayor)

Hopkinton (successful 2nd vote)
8 Voting Members
Parent and former Planning Board member
Community member/grandparent with MSBA/construction background
Future parent with communications background
Community member with architectural experience
Select Board member
School Committee member
Town Finance staff member
School Finance staff member
(non-voting members: Town Manager, Superintendent, Director of Maintenance, Principal)

Bourne
13 Voting Members
Clerical staff member
Principal
Teacher
Director of Business Services
Town Administrator
Community member with construction experience (2)
School Committee member (2)
Superintendent
Finance Committee member
Select Board member
Community member
Hanover, MA (MSBA) Elementary School Project
11 Voting Members
School Committee members (2)
Town Manager
Superintendent
Facilities Engineer Manager
Finance Committee member
Director of Teaching and Learning
Community members (3)

Carver MA (MSBA)
13 Voting Members
Select Board member
Town Administrator
School Committee members (2)
Superintendent
Building Maintenance Director
Principal
Finance Committee member
Community members with architectural/construction experience (2)
School Business Manager
Representative of office authorized by law to construct school buildings
Parent
2. Enrollment Working Group:

The Amherst School Committee and Superintendent are forming an Enrollment Working Group to identify enrollment challenges currently facing the district, identify possible solutions to those challenges, and to investigate and develop realistic models of those solutions (with strengths and drawbacks delineated) to share with the Amherst School Committee in December 2017. Some of these challenges include socioeconomic balance between schools, bussing of special education and income-eligible students, and preschool access. Membership in the Enrollment Working Group will begin in July and end in December; the time commitment is fairly intensive during that six month period. Three half-day workshops are planned for summer (July 13-14, August 22) during the day and September-December will involve meeting a minimum of four times in the late afternoon/evening. A smaller (optional) subgroup focused on drafting a report will also meet frequently in December. The Enrollment Working Group is an advisory group that will endeavor to put forth realistic options for consideration by the School Committee and greater Amherst community, but is not a decision-making body, nor will it make a formal recommendation to the School Committee.

In addition to one or two School Committee members, the Superintendent, and the Assistant Superintendent for Diversity, Equity, and Human Resources, the working group will have membership from the following groups:

- Parent/guardians from each of the three Amherst elementary schools
- Representatives from SEPAC (special education parent advisory council)
- School Principal(s)
- Staff member from each of the three Amherst elementary schools
RECOGNITION AGREEMENT

This agreement is entered into by and between the School Committees of Amherst, Pelham, and the Amherst-Pelham Regional School District (collectively, the "Employer") and the United Food and Commercial Workers Union, Local 1459, Public Employee Division ("Union").

The Employer agrees to recognize the Union as the sole and exclusive bargaining representative of all full-time and regular part-time food service/cafeteria workers employed by the Employer, as certified by the Massachusetts Division of Labor Relations in Case No. WMAM-08-1003 on March 27, 2008. The parties agree that such workers shall include all employees currently working in the positions of Food Service Workers, Leads/Managers, and Cooks for Whitson's New England, Inc., in schools operated by the Employer. Excluded from recognition shall be all classifications excluded in WMAM-08-1003 and all classifications excluded by M.G.L. c. 150E and other applicable law, including but not limited to all managerial, confidential, and casual employees, and all other employees of the School Committees of Amherst, Pelham, and the Amherst-Pelham Regional School District.

No later than August 28, 2017, the Employer agrees to hire all employees in the classification of Food Service Worker, Lead/Manager, and Cook who are, as of the date of the execution of this agreement, employed by Whitson's New England, Inc. in schools operated by the Employer. The Employer reserves the right to set individual hire dates for such employees as it deems advisable.

Subject to the modification set forth in italics below, the Employer and the Union agree to readopt the substantive terms of the collective bargaining agreement previously in effect between them for the period July 1, 2008 through June 30, 2010. The parties agree to meet promptly following the execution of this Recognition Agreement to review and update this expired collective bargaining agreement, as needed. Both the Union and the Employer shall be free to submit such proposals as the party deems appropriate or necessary during such negotiations.

The Employer agrees that it shall maintain the wages currently in effect for Food Service Workers, Leads/Managers, and Cooks as set forth in Article 22 of the collective bargaining agreement currently in effect between the Union and Whitson's New England, Inc. (August 25, 2014 through August 24, 2017) until such time as a new collective bargaining agreement has been negotiated, ratified, and executed between the parties.

The parties agree that this Recognition Agreement shall be subject to ratification by the membership of the Union, and by the School Committees of Amherst, Pelham, and the Amherst-Pelham Regional School District.

For the UNITED FOOD AND COMMERCIAL WORKERS UNION, LOCAL 1459, PUBLIC EMPLOYEE DIVISION:

[Signature]

Date

Daniel L. Clifford, President

For the EMPLOYER:

[Name]  

Date
The Commonwealth of Massachusetts

PRESENTED BY:

Sonia Chang-Diaz

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act modernizing the foundation budget for the 21st century.

PETITION OF:

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An Act modernizing the foundation budget for the 21st century.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 29 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after section 5B the following section:-

Section 5B½. (a) Annually, not later than January 15, the secretary of administration and finance shall meet with the house and senate committees on ways and means and jointly determine an implementation schedule to fulfill the recommendations filed on November 2, 2015, by the foundation budget review commission established in section 4 of chapter 70. The implementation schedule shall establish a foundation budget as defined in section 2 of said chapter 70 and incorporating the recommendations made by the commission relative to the categories of tuitioned-out special education rate, assumed in-school special education enrollment, low-income increment, low-income enrollment, foundation benefits, retired employee health insurance and English language learner increment; provided, however, that in the first year of the term of office of a governor who has not served in the preceding year, the
parties shall determine an implementation schedule not later than January 31 of that year. In
determining the implementation schedule, the secretary of administration and finance and the
house and senate committees on ways and means shall hold a public hearing and receive
testimony from the commissioner of elementary and secondary education and other interested
parties. The schedule may be amended by agreement of the house and senate committees on
ways and means in any fiscal year to reflect changes in enrollment, inflation, student populations
or other factors that would affect the remaining costs in the schedule. The implementation
schedule shall be included annually in a joint resolution and placed before the members of the
general court, not later than February 15, for their consideration along with any proposed
legislation necessary to execute and implement the schedule. The implementation schedule shall
be subject to appropriation. Upon completion of the implementation schedule, a joint resolution
shall be placed before the members of the general court affirming that the recommendations of
the commission have been fulfilled; provided that upon the adoption of such resolution the
determination of an annual implementation schedule shall no longer be required.

SECTION 2. Chapter 70 of the General Laws is hereby amended by striking out section
2, as appearing in the 2014 Official Edition, and inserting in place thereof the following section:-

Section 2. As used in this chapter and in chapters 15, 69 and 71, the following words
shall have the following meanings unless the context clearly requires otherwise:

"Administration allotment", the amounts allotted within a district's foundation budget for
administration in any fiscal year; provided, however, that the fiscal year 2017 administration
allotment, based on a sum of the following rate calculations, shall be the base year, adjusted
annually by the foundation inflation index:
(i) $182.01 multiplied by the foundation preschool enrollment and the foundation half-day kindergarten enrollment;

(ii) $364 multiplied by the foundation full-day kindergarten enrollment, the foundation elementary enrollment, the foundation junior high or middle school enrollment, the foundation high school enrollment, and the foundation vocational enrollment; and

(iii) $2,512.26 multiplied by the assumed in-school special education enrollment and the assumed tuitioned-out special education enrollment.

"Assumed in-school special education enrollment", 4 per cent of the total foundation enrollment in a district not including vocational or preschool enrollment, plus 5 per cent of vocational enrollment.

"Assumed tuitioned-out special education enrollment", 1 per cent of the total foundation enrollment in a district, not including vocational or preschool enrollment.

“Base Aid”, in a fiscal year, the total amount of chapter 70 aid provided in the general appropriation act of the previous fiscal year.

"Board", the board of elementary and secondary education.

"Chapter 70 aid", the sum of a district's base aid, foundation aid increment, if any, and minimum aid increment, if any, in a fiscal year; provided, however that non-operating district shall receive chapter 70 aid in an amount greater than the district's foundation budget.

"Classroom and specialist teachers allotment", the amount allotted within a district's foundation budget for classroom and specialist teachers in a fiscal year; provided, however, that the fiscal year 2017 “classroom and specialist teachers allotment”, based on a sum of the
following rate calculations, shall be the base year, adjusted annually by the foundation inflation index:

(i) $1,507.26 multiplied by the foundation preschool enrollment and the foundation half-day kindergarten enrollment;

(ii) $3,014.51 multiplied by the foundation full-day kindergarten enrollment;

(iii) $3,014.47 multiplied by the foundation elementary enrollment;

(iv) $2,652.75 multiplied by the foundation junior high or middle school enrollment;

(v) $3,901.09 multiplied by the foundation high school enrollment;

(vi) $8,289.83 multiplied by the assumed in-school special education enrollment; and

(vii) $6,631.89 multiplied by the foundation vocational enrollment.

"Combined effort yield", the sum of a municipality's equalized property valuation multiplied by the uniform property percentage and its income multiplied by the uniform income percentage.

"Commissioner", the commissioner of elementary and secondary education.

"Department", the department of elementary and secondary education.

"District" or "School district", the school department of a city or town or a regional school district.

"Effort reduction percentage", the percentage of excess effort to be reduced in any given year.
"Employee benefits and fixed charges allotment", the amount allotted within a district's foundation budget for employee benefits and fixed charges; provided, however, that for fiscal year 2019 and thereafter, the employee benefits and fixed charges allotment shall be the employee health insurance rate multiplied by the number of active employees for whom the district provides health insurance, plus the retired employee health insurance rate multiplied by the number of the district’s retired employees, plus the product of .29 and the sum of the employee health insurance rate and the retired employee health insurance rate.

“Employee health insurance rate”, the employer share of the average group insurance commission premium for all plans for the 3 previous fiscal years; provided, however, that the group insurance commission shall annually, not later than June 30, provide the department with data necessary for the determination of such rate or any increase thereof.

“English language learner enrollment”, the number of students identified as English language learners pursuant to chapter 71A, including students enrolled in vocational and technical schools.

“English language learner expanded program increment”, the amount allotted within a district’s foundation budget for additional services for English language learners, including those enrolled in vocational and technical schools; provided, however, that the increment for fiscal year 2017 shall be $2,361 multiplied by the number of English language learners in the district, adjusted annually thereafter by the foundation inflation index.

“Enrollment categories”, any of the following categories in which a student, including students enrolled in special education programs and students attending a school in another district, pursuant to section 12B of chapter 76, who resides in the district and who attends either
a public school in that district or a school for which the district of residence pays tuition, is placed; provided, however, that any such student shall be place in only 1 enrollment category depending on the grade and program to which the student is assigned; provided further, that English language learners and low-income students shall be placed in 1 of the following enrollment categories and shall be counted for the purposes of calculating the English language learners increment and the low-income expanded program increment:

(i) “elementary enrollment”, number of students enrolled in grades 1 to 5, inclusive, and not enrolled in English language learner or vocational programs in a district;

(ii) “high school enrollment”, the number of students enrolled in grades 9 to 12, inclusive, and not enrolled in English language learner or vocational programs in a district;

(iii) “junior high or middle school enrollment”, the number of students enrolled in grades 6 to 8, inclusive, and not enrolled in English language learner or vocational programs in a district;

(iv) “kindergarten enrollment”, the number of students enrolled in kindergarten and not enrolled in English language learner or vocational programs in a district; provided, however, that in any district in which kindergarten students attend school for a full day in a program that does not charge tuition or fees, the foundation kindergarten enrollment used to calculate the foundation budget amount described in this section shall be 2 times the kindergarten enrollment number that would otherwise be used for such calculations if the district and all towns responsible for appropriating for the district so request;

(v) “preschool enrollment”, the number of students enrolled in preschool programs in a district; and
“vocational enrollment”, the number of students enrolled in vocational, education programs or an agricultural school in a district.

“Equalized property valuation”, the most recent equalized property valuation for a municipality as determined by the department of revenue pursuant to sections 9, 10 and 10C of chapter 58.

"Excess effort", the positive difference, if any, between a municipality's target local contribution and its preliminary contribution.

"Foundation aid increment", the positive difference between a district's foundation budget and its required district contribution; provided, however, that from fiscal years 2019 to 2025, inclusive, both the district foundation budget and the required district contribution shall be calculated based on the implementation schedule agreed to pursuant to section 5B ½ of chapter 29.

"Foundation budget", the sum of the administration allotment, instructional leadership allotment, classroom and specialist teachers allotment, other teaching services allotment, professional development allotment, instructional materials, equipment and technology allotment, guidance and psychological allotment, pupil services allotment, operations and maintenance allotment, employee benefits and fixed charges allotment and tuitioned-out special education tuition allotment and the English language learners expanded program increment and the low-income expanded program increment; provided, however, that the base year for calculating the foundation budget shall be fiscal year 2017; provided further, that the base year foundation budget shall be calculated according to the formulas in this section using foundation enrollment as described in this section; and provided further that, for fiscal years thereafter, the
foundation budget shall be the base year foundation budget, as adjusted for enrollment and for inflation as set forth in section 3.

"Foundation enrollment", the student enrollment of a district in any fiscal year; provided, however, that the “foundation enrollment” shall be the sum of the foundation kindergarten, elementary, junior high or middle school, high school and vocational enrollment plus 1/2 of the foundation preschool enrollment, including students enrolled in the program for the elimination of racial imbalance under section 12A of chapter 76; and provided further, that annually, not later than March 1 of each calendar year, the department shall certify the foundation enrollment for the next fiscal year as the actual enrollment as reported the previous October.

"Foundation inflation index", in fiscal year 2017, the foundation inflation index shall equal 1.000; provided, however, that in fiscal year 2018 and in each fiscal year thereafter, the foundation inflation index shall equal the prior year's foundation inflation index multiplied by the minimum of: (i) the ratio of the value of the implicit price deflator for state and local government purchases in the first quarter of the prior fiscal year to its value in the first quarter of the year 2 years prior; or (ii) 1.045.

"General revenue sharing aid", the amount of assistance from the commonwealth to be received by a city or town in a fiscal year from the following local aid programs: (i) payments in lieu of taxes for state-owned lands distributed pursuant to section 17 of chapter 58; (ii) the distribution to cities and towns of the balance of the State Lottery and Gaming Fund in accordance with the clause (c) of the second paragraph of section 35 of chapter 10; and (iii) additional assistance distributed pursuant to section 18E of chapter 58.
"Guidance and psychological allotment", the amount allotted within a district's foundation budget for guidance and psychological services; provided, however, that the fiscal year 2017 guidance and psychological allotment, based on a sum of the following rate calculations, shall be the base year, adjusted annually by the foundation inflation index:

(i) $109.66 multiplied by the foundation preschool enrollment and the foundation half-day kindergarten enrollment;

(ii) $219.36 multiplied by the foundation full-day kindergarten enrollment and the foundation elementary enrollment;

(iii) $291.99 multiplied by foundation junior high or middle school enrollment; and

(iv) $366.02 multiplied by the foundation high school enrollment and the foundation vocational enrollment.

"Income", total income from all sources as reported by the residents of a municipality on income tax returns submitted to the department of revenue for the most recent available calendar year.

"Income percentage", the uniform percentage of each municipality's total income which yields 1/2 of the statewide total of combined effort yields in any fiscal year.

"Instructional leadership allotment", the amounts allotted within a district's foundation budget for instructional leadership in a fiscal year; provided, however, that for fiscal year 2017, the “instructional leadership allotment” shall be the sum of the following rate calculations; and provided further, that for subsequent fiscal years, “instructional leadership allotment” shall be the sum of the following rates annually adjusted by the foundation inflation index:
(i) $328.72 multiplied by the foundation preschool enrollment and the foundation half-day kindergarten enrollment; and

(ii) $657.42 multiplied by the foundation full-day kindergarten enrollment, the foundation elementary enrollment, the foundation junior high or middle school enrollment, the foundation high school enrollment and the foundation vocational enrollment.

"Instructional materials, equipment and technology allotment", the amount allotted within a district's foundation budget for instructional materials, equipment and technology; provided, however, that the fiscal year 2017 instructional materials, equipment and technology allotment, based on a sum of the following rate calculations, shall be the base year, adjusted annually by the foundation inflation index:

(i) $218.16 multiplied by the foundation preschool enrollment and the foundation half-day kindergarten enrollment;

(ii) $436.31 multiplied by the foundation full-day kindergarten enrollment, the foundation elementary enrollment and the foundation junior high or middle school enrollment;

(iii) $698.10 multiplied by the foundation high school enrollment;

(iv) $349.05 multiplied by the assumed in-school special education enrollment; and

(v) $1,221.66 multiplied by the foundation vocational enrollment.

"Low-income enrollment", the number of children attending school in a district regardless of residence or tuition-paying status, with a family income at or below 185 per cent of the federal poverty level; provided, however, that a low-income child or low-income student shall mean a child who meets these eligibility standards; and provided further, that in determining the total
number of low-income students, the department shall use the preceding year's actual number of
low-income elementary, junior high or middle school, high school and vocational students and ½
of the preceding year's actual number of low-income kindergarten and preschool students.

“Low-income expanded program increment”, the amount allotted within a district’s
foundation budget for each student with a family income at or below 185 per cent of the federal
poverty level; provided, however, that the department shall rank each district and divide the
districts into septiles; provided further, that each district shall be assigned a low-income septile
based on its low income percentage which shall be calculated as its number of low-income
students divided by the total foundation enrollment; provided further, that each septile shall be
assigned a low-income rate where the rate for the lowest percentage septile shall be $3,474 and
each subsequent septile shall increase by equal amounts up to the highest percentage septile rate
of $8,179; and provided further, that the rates for each septile shall be annually adjusted
according to the foundation inflation index.

“Minimum aid”, the positive difference between a district’s foundation aid, and the
product of $25 multiplied by the district foundation enrollment.

"Maximum local contribution", 82.5 per cent of a municipality's foundation budget.

"Municipal foundation budget", a city or town's local district's foundation budget plus the
sum of its share of the foundation budgets at regional districts or at agricultural schools of which
it is a member; provided, however, that a city or town's share of the foundation budget at
regional districts or at agricultural schools shall be based upon its share of the total foundation
enrollment from all member municipalities at those districts and schools.
"Municipal revenue growth factor", the change in local general revenues calculated by subtracting 1 from the quotient calculated by dividing the sum of: (i) the maximum levy for the fiscal year estimated by multiplying the levy limit of the prior fiscal year by a factor equal to 102 ½ per cent plus the average of the percentage increases in the levy limit due to new growth adjustments over the last 3 available years as certified by the department of revenue or as otherwise estimated by the division of local services in the department of revenue where it appears that a municipality may not be entitled to increase its minimum levy limit by 2 ½ per cent; provided, however, that if the highest percentage during such 3 years exceeds the average of the other 2 years' percentages by more than 2 percentage points, then the lowest 3 of the last 4 years shall be used for such calculation; (ii) the amount of general revenue sharing aid for the fiscal year; and (iii) other budgeted recurring receipts not including user fees or other charges determined by the division of local services to be associated with the provision of specific municipal services for the prior fiscal year, by the sum of: (1) the actual levy limit for the prior fiscal year; (2) the amount of general revenue sharing aid received for the prior fiscal year; and (3) other recurring receipts not including user fees or other charges determined by the division of local services to be associated with the provision of specific municipal services budgeted by the municipality for the fiscal year preceding the prior fiscal year, if any; provided further, that for the purposes of this calculation, the levy limit shall exclude any amounts generated by overrides applicable to any year after the fiscal year ending June 30, 1993; provided further, that in the absence of an actual levy limit for the prior fiscal year, the actual levy limit for the prior fiscal year shall be estimated by multiplying the actual levy limit of the fiscal year preceding the prior fiscal year by a factor equal to 102 ½ per cent plus the average of the percentage increases in the levy limit due to new growth as specified above; and provided further, that in making any of
these required calculations, the division of local services may substitute more current
information or such other information as would produce a more accurate estimate of the change
in a municipality's general local revenues and the department shall use such growth factor to
calculate preliminary contribution, required local contribution and any other factors that directly
or indirectly use the municipal growth factor.

"Net school spending", the total amount spent for the support of public education,
including teacher salary deferrals and tuition payments for children residing in the district who
attend a school in another district or other approved facility, determined without regard to
whether such amounts are regularly charged to school or non-school accounts by the
municipality for accounting purposes; provided, however, that net school spending shall not
include any spending for long-term debt service, and shall not include spending for school
lunches and student transportation; provided further that “net school spending” shall also not
include tuition revenue or revenue from activity, admission, other charges or any other revenue
attributable to public education; provided further, that such revenue shall be made available to
the school district which generated the revenue in addition to any financial resources made
available by municipalities or state assistance; provided further, that the department, in
consultation with the department of revenue, shall promulgate regulations to ensure a uniform
method of determining which municipal expenditures shall be appropriated for the support of
public education and which revenues are attributable to public education in accordance with this
section; and provided further, that the regulations shall include provisions for resolving disputes
which may arise between municipal and school officials.

"Operations and maintenance allotment", the amount allotted within a district's
foundation budget for operations and maintenance; provided, however, that the fiscal year 2017
operations and maintenance allotment, based on a sum of the following rate calculations, shall be
the base year, adjusted annually by the foundation inflation index:

(i) $418.55 multiplied by the foundation preschool enrollment and the foundation half-
day kindergarten enrollment;

(ii) $837.09 multiplied by the foundation full-day kindergarten enrollment and the
foundation elementary enrollment;

(iii) $907.52 multiplied by foundation junior high or middle school enrollment;

(iv) $879.93 multiplied by the foundation high school enrollment;

(v) $2,806.32 multiplied by the assumed in-school special education enrollment; and

(vi) $1,646.82 multiplied by the foundation vocational enrollment.

“Other teaching services allotment”, the amount allotted within a district's foundation
budget for other teaching services; provided, however, that the fiscal year 2017 other teaching
services allotment, based on a sum of the following rate calculations, shall be the base year,
adjusted annually by the foundation inflation index:

(i) $386.57 multiplied by the foundation preschool enrollment and the foundation half-
day kindergarten enrollment;

(ii) $773.16 multiplied by the foundation full-day kindergarten enrollment and the
foundation elementary enrollment;

(iii) $556.55 multiplied by the foundation junior high or middle school enrollment;
(iv) $463.34 multiplied by the foundation high school enrollment and the foundation vocational enrollment;

(v) $7,740.10 multiplied by the assumed in-school special education enrollment; and

(vi) $38.38 multiplied by the assumed tuitioned-out special education enrollment.

“Preliminary contribution”, the product of: (i) a municipality's required local contribution for the prior fiscal year; and (ii) 1 plus the municipal revenue growth factor for the current year; provided, however, that if a municipality's preliminary local contribution as a percentage of its foundation budget is more than 2.5 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality's revenue growth factor plus 1 percentage point; and provided further, that if a municipality's preliminary contribution as a percentage of its foundation budget is more than 7.5 percentage points lower than the target local share, the preliminary contribution shall be recalculated using the municipality's revenue growth factor plus 2 percentage points.

“Professional development allotment”, the amount allotted within a district's foundation budget for professional development; provided, however, that the fiscal year 2017 professional development allotment, based on a sum of the following rate calculations, shall be the base year, adjusted annually by the foundation inflation index:

(i) $59.61 multiplied by the foundation preschool enrollment and the foundation half-day kindergarten enrollment;

(ii) $119.28 multiplied by the foundation full-day kindergarten enrollment;

(iii) $119.30 multiplied by the foundation elementary enrollment;
(iv) $129.32 multiplied by the foundation junior high or middle school enrollment;

(v) $125.39 multiplied by the foundation high school enrollment;

(vi) $399.90 multiplied by the assumed in-school special education enrollment; and

(vii) $207.31 multiplied by the foundation vocational enrollment.

"Property percentage", the uniform percentage of each municipality's total equalized

property valuation which yields ½ of the statewide total of combined effort yields in any fiscal

year.

"Pupil services allotment", the amount allotted within a district's foundation budget for

pupil services; provided, however, that the fiscal year 2017 pupil services allotment, based on a

sum of the following rate calculations, shall be the base year, adjusted annually by the

foundation inflation index:

(i) $43.62 multiplied by the foundation preschool enrollment and the foundation half-day

kindergarten enrollment;

(ii) $87.27 multiplied by the foundation full-day kindergarten enrollment;

(iii) $130.90 multiplied by the foundation elementary enrollment and the foundation

English learner, full-day enrollment;

(iv) $213.81 multiplied by foundation junior high or middle school enrollment; and

(v) $493.03 multiplied by the foundation high school enrollment and the foundation

vocational enrollment.
"Required district contribution", a local district's share of the municipality's required local
collection or, in a regional district or agricultural school, the sum of the member
municipalities' required local contributions apportioned to that regional district or agricultural
school.

"Required local contribution", the municipality's preliminary contribution minus the
product of its excess effort, if any, multiplied by the effort reduction percentage; provided,
however, that the “required local contribution” shall be apportioned to each district to which the
municipality belongs, in proportion to the municipality's foundation budget at those districts.

“Retired employee”, an employee of a school district who retired while employed by that
district and who receives health insurance benefits through that district.

“Retired employee health insurance rate”, the average group insurance commission
premium for all retiree plans for the 3 previous fiscal years; provided, however, that the group
insurance commission shall annually, not later than June 30, provide the department with data
necessary for the determination of such rate or any increase thereof.

"Statewide target local share", the sum of all municipalities' target local contribution, as a
percentage of the sum of all municipal foundation budgets, which shall be set at 59 per cent.

"Target aid share", for a local district, 100 per cent minus the municipality's target local
share; provided, however, that for a regional district or agricultural school, the “target aid share”
shall be 100 per cent minus each member municipality's target local share, multiplied by each
municipality's share of the regional district's enrollment, summed for all members of the district.
"Target local contribution", the lesser of a municipality's combined effort yield and its maximum local contribution.

"Target local share", a municipality's target local contribution as a percentage of its municipal foundation budget.

“Tuitioned-out special education allotment”, the product of the tuitioned-out special education rate and the assumed tuitioned-out special education enrollment.

“Tuitioned-out special education rate”, 3 times the statewide foundation budget per-pupil amount.

"Wage adjustment factor", an adjusted difference between the average annual wage for all jobs in the labor market area in which a municipality is located and the average annual wage in the commonwealth; provided, however, that average annual wage figures shall be published annually by the division of employment and training; provided further, that the wage adjustment factor shall be the sum of 1 plus a fraction, the numerator of which shall be the product of 1/3 and the difference resulting from subtracting the average annual wage in the commonwealth from the average annual wage of the municipality, and the denominator of which shall be the average annual wage in the commonwealth; and provided further, that the average annual wage of the municipality shall be the sum of:

(i) .8 multiplied by the average annual wage for all jobs in the labor market area in which the municipality is located; and

(ii) .2 multiplied by the average annual wage of the municipality; provided, however, the wage adjustment factor in any community shall not be less than 1.
SECTION 3. The third paragraph of section 3 of said chapter 70, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following 2 sentences:- The factors to be inflated by the foundation inflation index shall be the monetary values for the administration allotment, the instructional leadership allotment, the classroom and specialist teachers allotment, the other teaching services allotment, the professional development allotment, the instructional materials, equipment and technology allotment, the guidance and psychological allotment, the pupil services allotment, the operations and maintenance allotment, the English language learner expanded program increment and the low-income student expanded program increment. The rates established in section 2 shall serve as the basis, subject to the foundation inflation index beginning in fiscal year 2018, for the implementation schedule established annually under section 5B1/2 of chapter 29.

SECTION 4. Said chapter 70 is hereby further amended by inserting after section 4 the following section:-

Section 4A. (a) The department, in consultation with the executive office of education, shall a convene data advisory committee to promote the improved use of school-level data to inform effective resource allocation decisions at the local level. The data advisory committee shall include, but not be limited to, a representative from the following organizations: the Massachusetts Association of School Committees, Inc.; the Massachusetts Association of School Superintendents, Inc.; the Massachusetts Association of School Business Officials, Inc.; the Massachusetts Association of Vocational Administrators, Inc.; and the Massachusetts Association of Regional Schools, Inc. The data advisory committee shall assist the department to identify, advise and analyze cost-effective ways to achieve the following goals including, but not limited to:
(i) streamlining financial reporting, eliminating duplicate reporting requirements and improving data quality;

(ii) strengthening the department’s capacity to analyze and report staffing, scheduling and financial data in ways that support strategic resource allocation decisions at the district and school level;

(iii) strengthening district capacity to use data to make strategic resource allocation decisions; and

(iv) establishing a data collection and reporting system that:

(1) tracks funding allocated for English language learner and low-income students to ensure that spending is targeted to the intended populations and to provide a data source for the foundation budget review commission about the accuracy and adequacy of the low-income and English language learner increments; and

(2) allows for access to school-level expenditures and data across all districts to inform the public and policy-makers about effective school-level interventions and investments.

(b) The data advisory committee shall report its progress to the board, the senate and house chairs of the joint committee on education and the chairs of the senate and house committees on ways and means not less than semiannually, by December 1 and June 1, and shall make recommendations as necessary for the department to achieve the goals of this section. The department may, in consultation with the data advisory group, develop or procure the data collection and reporting system under clause (iv) of subsection (a).

SECTION 5. Section 5 of said chapter 70 is hereby repealed.
SECTION 6. Section 6 of said chapter 70, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 6, the word "minimum".

SECTION 7. Said section 6 of said chapter 70, as so appearing, is hereby further amended by striking out, in line 8, the words "but not including equity aid,"

SECTION 8. Section 7 of said chapter 70 is hereby repealed.

SECTION 9. Section 9 of said chapter 70 is hereby repealed.

SECTION 10. Said chapter 70 is hereby further amended by striking out section 10, as appearing in the 2014 Official Edition, and inserting in place thereof the following section:-

Section 10. Subject to appropriation, the amount of state aid to be paid to each municipality in each fiscal year under this chapter shall be the sum of the base aid, the foundation aid increment and the minimum aid to which the municipality may be entitled under this chapter.
AMHERST ONLY:

Amherst Education Foundation (AEF):

Audit Committee for Town of Amherst:

Amherst Community Television (ACTV) Liaison:

Budget Coordinating Group:

Joint Capital Planning Committee for Town of Amherst:

Town Meeting Members: All serve as voting ex-officio members