



## RALPH C. MAHAR REGIONAL & SCHOOL UNION 73

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Established in 1955, the Mahar Regional District has a long history of collaboration among its member towns. Since its founding, there have been several amendments to the original agreement in 1955, 1959, 1966, and 1972, reflecting the district's evolving structure and operations.

Over the years, multiple efforts were made to fully regionalize the K-12 school system for the towns of Orange, Petersham, New Salem, and Wendell. These attempts occurred in 1991, 2005, 2008, 2011, and most recently in 2018. Unfortunately, each time these proposals were presented, they were rejected either by the Mahar School Committee or by individual towns.

In addition, a cost share agreement was established between the R.C. Mahar Regional District and Union 73 (Orange and Petersham). This agreement details how costs are split between the districts for shared employees, including the Superintendent, Director of Finance and Operations, and the Director of Special Education.

AGREEMENT

For a regional school district for the towns of Erving and Orange, in the Commonwealth of Massachusetts, hereinafter referred to as member towns.

Section I MEMBERSHIP OF THE REGIONAL DISTRICT SCHOOL COMMITTEE

(A) The regional district school committee, hereinafter referred to as the Committee, shall consist of six members, three from each member town. Of the three members from each member town, one shall be an appointed member and two shall be elected members. Appointed members shall be those appointed by the local school committee of each member town. Elected members shall be those elected at annual town elections

(B) Immediately after each annual town election, commencing with the annual election next following the establishment of the regional school district, the local school committee of each member town shall appoint from its own membership one member to serve on the Committee for a term of one year or until his successor is appointed and qualified.

(C) At the annual town elections next following the establishment of the regional school district, each member town shall elect two members of whom one shall serve for a period of two years and one shall serve for a period of three years.

Thereafter, at the expiration of the term of office of an elected member, the member town concerned shall, at its annual election, elect one member to serve for a term of three years or until his successor is elected and qualified. Nothing herein contained shall prevent a member of the local school committee of a member town from serving on the Committee as an elected member.

(D) Within ten days after the establishment of the regional school district, the moderator of each member town shall appoint three members, at least two of whom shall be from the combined membership of said member town's school committee and said member town's membership on the regional school district planning board which submitted this agreement, one of whom must be a member of said member town's school committee, to serve on the Committee until their successors are appointed and elected and qualified.

(E) If a vacancy occurs on the Committee through death, resignation, or other causes, such vacancy shall be filled within thirty days by the town in whose membership on the Committee the vacancy occurs, by the following method: in the case of an elected member, by the appointment by the moderator, from a list of three nominees presented to the moderator by the local school committee of said town, to serve until the next annual election, at which annual election a successor shall be elected to serve for the balance of the unexpired term, if any; in case of an appointed member, the local school committee of said town shall appoint a member from its own membership to serve for the balance of the unexpired term.

(F) Within fourteen days after the appointment of the initial members and thereafter within fourteen days after the annual appointment and election of successors, the regional district school committee shall organize and choose by ballot a chairman from its own membership and appoint a treasurer and a secretary who may be the same person, but who need not be members of the Committee. At such organization meeting or at any other meeting, the Committee shall fix the time and place for its regular meetings and provide for the calling of special meetings, and may choose such other officers as it deems advisable and prescribe their powers and duties.

## SECTION II TYPE OF REGIONAL DISTRICT SCHOOL

The regional district school shall be a junior-senior high school, consisting of grades seven through twelve, inclusive. The Committee is hereby authorized to establish and maintain state-aided vocational education, acting as trustees therefor, in accordance with the provisions of Chapter 74 of the General Laws and acts amendatory thereto or dependent thereon; if the Committee deems it desirable.

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## SECTION III LOCATION OF REGIONAL DISTRICT SCHOOL

The regional district school shall be located in the Town of Orange at a site accessible to the town water supply within or adjacent to an area bounded on the east and north by the present routes 122 and 2 and within a radius of three miles of their intersection.

Section IV APPORTIONMENT AND PAYMENT OF COSTS INCURRED BY THE DISTRICT

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

(B) Construction costs shall include cost of site, cost of building construction and original equipment and furnishings, cost of plans, architect's fees, consultants' fees, cost of grading and any other costs which may be incurred to put the building and premises in operating condition, and also the payment of principal and of interest on bonds or other obligations issued by the regional district to finance construction costs.

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

(D) Construction costs shall be apportioned annually in December for the ensuing year as follows: Payment of principal and interest on notes or other obligations issued by the regional school district to finance construction costs shall be apportioned to the member towns on the basis of their respective pupil enrollments in the regional school, which enrollment shall include the students referred to in subsection XII (C) of this agreement. Each member town's share for each calendar year shall be determined by computing the ratio which that town's pupil enrollment in the regional district school on October 1 of the year in which the apportionment is determined bears to the total pupil enrollment from all the member towns in the regional district school on the same date. In the event that enrollment in the regional district school has not been accomplished by October 1 of any year,

construction costs shall be apportioned on the basis of enrollment in grades seven through twelve of pupils residing in each member town and receiving education at such town's expense on October 1 of that year. All other construction costs shall be so apportioned to the member towns on the basis of pupil enrollments on October 1 next preceding the date on which such apportionment is so determined.

(E) Operating costs for the first calendar year next following the establishment of the regional school district and for every calendar year thereafter shall be apportioned to the member towns on the basis of their respective pupil enrollments in the regional school. Each member town's share for each calendar year shall be determined by computing the ratio which that town's pupil enrollment in the regional district school on October 1 of the year in which the apportionment is determined bears to the total pupil enrollment from all the member towns in the regional district school on the same date. In the event that enrollment in the regional district school has not been accomplished by October 1 of any year, operating costs shall be apportioned on the basis of enrollment in grades seven through twelve of pupils residing in each member town and receiving education at such town's expense.

(F) Each member town shall pay its proportionate share of the construction and operating costs to the regional school district each year in four equal installments not later than the first day of April, June, September and December.

## SECTION V 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.

## SECTION VI AMENDMENTS

This agreement may be amended from time to time in the manner herein-after provided, but no such amendment shall be made which shall substantially impair the rights of the holders of any bonds or notes or other 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 that part of the costs of land acquisition and construction represented by bonds or notes of the District then outstanding and of interest thereon. A proposal for amendment may be initiated by a two-thirds vote of all the members of the regional district school committee or by a signed petition bearing the signatures of ten per cent of the registered voters of any one of the member towns. In the latter case, the said petition shall contain at the end thereof, a certification by the town clerk of the said member town as to the number of signatures on the petition which appear to be the names of registered voters from that town. Any such proposal for amendment shall be presented to the secretary of the Committee who 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 received and shall enclose a copy of such proposal (without the signatures in the case of a proposal by petition). The Selectmen in 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 of the member towns.

## SECTION VII ADMISSION OF ADDITIONAL TOWNS

By an amendment of this agreement adopted under and in accordance with Section VI 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 VIII WITHDRAWAL

(A) By a majority vote at a regular or at a special town meeting called for the purpose, any member town may withdraw from the regional school district provided (1) that the town seeking to withdraw has paid over to the regional school district any operating costs for which it became liable as a member of the District and (2) that said town shall remain liable to the District for its share of the indebtedness, other than temporary indebtedness incurred in anticipation of revenue, 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, except that such liability shall be reduced by any amount which such town has paid over at the time of withdrawal and which has been applied to the payment of such indebtedness or interest.

The withdrawing town's annual share of any future instalment of principal and interest on obligations outstanding on the effective date of its withdrawal shall be fixed at the percentage prevailing for such town at the last annual apportionment made next prior to the date of the town meeting at which it voted to withdraw. The remainder of any such instalment after subtracting the shares of any town or towns which have withdrawn shall be apportioned to the remaining member

towns in the manner provided in Section IV (D).

Upon the effective date of withdrawal the terms of office of all members serving on the regional district school committee from the withdrawing town shall terminate and the total membership of the Committee as provided in Section I (A), shall be decreased accordingly.

(B) Money received by the District from the withdrawing town for payment of funded indebtedness or interest thereon shall be used for this purpose only.

## SECTION IX BUDGET

(A) Within sixty days after the 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 calendar 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 no Finance or Advisory Committee in a member town, to the Chairman of the Board of Selectmen of such town, for its consideration. A budget shall be adopted within twenty-one days after the proposed budget has been so submitted. The amount of the said budget shall be apportioned between the member towns according to the provisions in Section IV hereof. The treasurer shall certify to 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 purpose, if any.

(B) Thereafter, on or before October 20, the Committee shall annually prepare a tentative operating budget, attaching thereto provision for any installment of principal or interest to become due in such year on any bonds or other evidences of indebtedness of the District. The said budget shall be in reasonable detail, including the amounts payable under the following classification of expenses and such other classifications as may be necessary:

1. General control
2. Expenses of instruction
3. Operation of plant
4. Maintenance of plant
5. Auxiliary agencies
6. Outlay
7. Debt service
8. Cost of transportation
9. Special charges.

Copies of such budget shall be mailed to the Chairman of the Finance or Advisory Committee of each member town; or if there is no Finance or Advisory Committee in a member town, to the Chairman of the Board of Selectmen of such town.

(C) Not later than November 10, the Committee shall hold a public hearing within the District after publication, at least ten days in advance of the hearing in a newspaper or newspapers circulating in the member towns, of a notice signed by the Secretary of the Committee stating the time, place and purpose of the hearing, at which it shall present the proposed regional school district tentative budget and shall answer any reasonable inquiries with respect thereto. The Committee shall adopt an annual maintenance and operating budget including debt and interest charges as a separate item, on or before December 1 for the ensuing calendar year, and the said Committee shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of paragraphs (D) and (E) of Section IV. The amounts so apportioned for each member town shall, prior to December 31 of each year preceding the calendar year to which said budget relates, be certified by the district treasurer to the treasurers of the member towns, and each town shall appropriate the amounts so certified.

## SECTION X ANNUAL REPORT

The Committee shall on or before January 10 of each year submit an annual report to each of the member towns, containing a detailed financial statement, and a statement showing the method by which the annual charges assessed against each town were computed, together with such additional information relating to the operation and maintenance of the regional school as may be deemed necessary by the Committee or by the selectmen of any member town.

## SECTION XI INCURRING OF DEBT

Within three days after the date on which the Committee authorizes the incurring of debt, other than temporary debt in anticipation of revenue to be received from member towns, the 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 mailed by registered mail to the Chairman of the Board of Selectmen of each member town at his last known permanent address in such town.

## SECTION XII STUDENTS

(A) The regional district school shall accept all children who reside in the District and who have completed the sixth grade.

(B) Except as otherwise provided in this Section, no pupils who reside within the regional school district and who are entitled to attend the regional district school shall attend at public expense a school other than the regional district school unless the District does not offer comparable facilities and then only upon approval of the Committee.

(C) Member towns in which reside students who attend high school outside the District on a tuition basis at the time the regional district school is opened may continue on a tuition basis such of those students who in ordinary course would be graduated within one year from the time the regional district school is opened.

(D) Students residing outside the regional school district may attend the regional district school upon approval of the Committee and payment of tuition as determined by such Committee.

## SECTION XIII EMPLOYMENT OF TEACHERS AND EXTENSION OF TENURE

All teachers in positions to be superseded by the establishment of the regional district school shall be given preferred consideration for similar positions in the regional district school to the extent that such positions exist therein; and any such teacher who on the date of his contract of employment with the District is then on tenure shall continue thereafter to serve on a tenure basis.

IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED, APPROVED,  
AND ACCEPTED AS OF THE 14th DAY OF March, 1955.

REGIONAL SCHOOL DISTRICT PLANNING  
BOARD FOR THE TOWN OF ERVING

BY Clement H. Dunn  
Esther H. Rane  
Walter J. Deagle

REGIONAL SCHOOL DISTRICT PLANNING  
BOARD FOR THE TOWN OF ORANGE

BY Frank B. Sauter  
Harold H. Belcher  
John P. Ruey

APPROVED:

THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF EDUCATION

By John F. Kennedy  
DEPARTMENT OF EDUCATION

MAR 15 1955

THE COMMONWEALTH OF MASSACHUSETTS  
EMERGENCY FINANCE BOARD

By Edward S. O'Brien  
John F. Kennedy  
Gerald R. Woodall  
George E. Rane  
Frank B. Sauter  
MAR 21 1955

AN AMENDMENT TO THE AGREEMENT OF THE  
RALPH C. MAHAR REGIONAL SCHOOL DISTRICT

Voted November 8, 1956 that the Agreement dated March 14, 1955 for the establishment of a regional School District for the towns of Erving and Orange is hereby amended as follows:

1. By striking out the words "Erving and Orange" in the paragraph preceding Section I and inserting in place thereof the following words: "Erving, Orange and Petersham."
2. By striking out subsection (A) of Section I and inserting in place thereof the following: -- "(A) The regional district school committee, hereinafter referred to as the Committee, shall consist of nine members, four from the town of Orange, three from the town of Erving, and two from the town of Petersham. Of the members from each town, one shall be an appointed member and the rest shall be elected members. Appointed members shall be those appointed by the local school committee of each member town. Elected members shall be those elected at annual town elections."
3. By striking out the second paragraph of subsection (C) of Section I and inserting in place thereof the following paragraph: -- "At the annual town elections next following the admission of the town of Petersham, the town of Orange shall elect one additional member and the town of Petersham shall elect one member to serve on the committee for a term of three years. Thereafter, at every

succeeding annual town election when a member town is required to elect one or more members, each such town shall elect such member or members to serve for a term of three years or until their successors are elected and qualified. Nothing herein contained shall prevent a member of the local school committee of a member town from serving on the committee as an elected member."

4. By adding at the end of subsection (D) of Section I the following two sentences: -- "Within ten days after the admission of the town of Petersham to the regional school district, the moderator of the town of Orange shall appoint one member from a list of four nominees presented to the moderator by the local school committee of the said town. The moderator of the Town of Petersham shall appoint two members from a list of four nominees presented to the moderator by the local school committee of said town, at least one of whom shall be a member of the local Petersham school committee. The member so appointed shall serve on the committee until their successors are appointed or elected and qualified as provided in subsection (B) of Section I and subsection (C) of Section I as amended."

5. By inserting after Section XIII the following new section: Section XIV. (A) Upon admission to the District, the town of Petersham shall be liable for its proportionate share, as determined by subsection (D) of section IV, of any outstanding funded indebtedness and interest thereon. The admission of the town of Petersham shall be deemed to constitute approval by such town of the amount of any funded indebtedness of the District authorized by the Committee

prior to such admission, but which has not been issued and is not outstanding, and such town shall be liable for its proportionate share, as determined by subsection (D) of Section IV, of any funded indebtedness when issued and for interest thereon.

(B) The Town of Petersham shall be responsible for its share of all construction and operating costs which were apportioned to the towns of Erving and Orange prior to the admission of the town of Petersham in the same manner and to the same extent as if the town of Petersham had been a member of the District at the time of its establishment. Such share, determined in this manner, shall be assessed to the town of Petersham upon the first annual apportionment of operating costs next following said town's admission to the District. Such share shall be paid to the District in four equal installments not later than the first day of April, June, September, and December in the year next following such apportionment. The payment of this share shall be credited to the towns of Erving and Orange in amounts proportionate to the share of construction and operating costs previously apportioned to these towns.

VOTED AT THE TOWN MEETINGS OF:

Town of Erving	November 28, 1956
Town of Orange	November 28, 1956
Town of Petersham	November 29, 1956

AN AMENDMENT TO THE AGREEMENT OF THE  
RALPH C. MAHAR REGIONAL SCHOOL DISTRICT

Voted January 29, 1959 that the Agreement dated March 14, 1955, for the establishment of a regional school district for the towns of Erving and Orange and subsequently amended to admit the town of Petersham is hereby further amended:

- (1) By striking out in line 1 of subsection (B) of Section IX, the words "October 20" and inserting in place thereof the words "November 20".
- (2) By striking out in line 1 of subsection (C) of said Section IX the words "November 10" and inserting in place thereof the words "November 20".

VOTED AT THE ANNUAL TOWN MEETING OF:

Town of Erving	March 4, 1959
Town of Orange	March 2, 1959
Town of Petersham	March 14, 1960

Voted October 11, 1966 to initiate the following Amendment of the Agreement establishing the Ralph C. Mahar Regional School District as heretofore amended by an Amendment initiated November 8, 1956 and Amendment initiated January 29, 1959:

PROPOSED AMENDMENT TO THE RALPH C. MAHAR REGIONAL SCHOOL DISTRICT  
AGREEMENT PROVIDING FOR THE SIMULTANEOUS ADMISSION  
OF THE TOWNS OF NEW SALEM AND WENDELL AND MAKING  
CERTAIN OTHER CHANGES IN THE AGREEMENT

The agreement for the establishment of the Ralph C. Mahar Regional School District, as amended, is hereby further amended as follows:

1. By striking out the words "Erving, Orange and Petersham" in the paragraph preceding Section I and inserting in place thereof the following words: "Erving, New Salem, Orange, Petersham and Wendell."
2. By striking out subsection (A) of Section I and inserting in place thereof the following:
  - (A) The regional district school committee, hereinafter referred to as the Committee, shall consist of fourteen members, seven from the town of Orange, three from the town of Erving, two from the town of Petersham, one from the town of New Salem, and one from the town of Wendell. Of the members from each town, one shall be an appointed member, and the rest, if any, shall be elected members. Appointed members shall be those appointed by the local school committee of each member town. Elected members shall be those elected at annual town elections.
3. By adding after the first sentence of the second paragraph of subsection (C) of Section I, as amended, the following sentence: At the annual town election next following the admission of the towns of New Salem and Wendell, the town of Orange shall elect three additional members, one for a term of one year, one for a term of two years and one for a term of three years.
4. By adding after the third sentence of subsection (D) of Section I, as amended, the following sentence: Within ten days after the admission of the towns of New Salem and Wendell to the regional school district, the moderator of the town of Orange shall appoint three members from a list of six nominees presented to the moderator by the local school committee of said town, and the school committee of each of the towns of New Salem and Wendell shall appoint one member from its own membership to serve on the Committee.

5. By adding after Section XIV the following new section:

Section XV. For the calendar year 1967 and for every calendar year thereafter, the towns of New Salem and Wendell shall be liable for their proportionate shares of the balance of any outstanding funded indebtedness of the District and interest thereon in the manner provided in subsection (D) of Section IV of the agreement. For the purpose of apportioning operating and construction costs for 1967, the pupil enrollments of New Salem and Wendell in the regional district school on October 1, 1966 shall be deemed to mean the enrollment in grades seven through twelve of pupils residing in each such town and receiving education at such town's expense on October 1, 1966. The towns of New Salem and Wendell shall also be responsible for a portion of the funded indebtedness already retired by the District as hereinafter provided. The town of New Salem shall be liable to the District in the sum of \$21,022 and the town of Wendell shall be liable to the District in the sum of \$18,956. One tenth of the aforesaid sum for which each town is liable shall be paid annually by such town in each calendar year commencing in 1967 and ending in the calendar year 1976, provided that each town's annual share shall be paid in four equal installments not later than the first day of April, June, September and December of each such year. The amounts due and payable to the District in each year shall be credited to the towns of Erving, Orange and Petersham in the following manner. Each such town's credit for each calendar year shall be determined by computing the ratio which the number of pupils residing in such town and enrolled in the regional school on October 1 of the previous calendar year bears to the total number of pupils residing in the aforesaid three towns and enrolled in the regional school on the same date.

AN AMENDMENT TO THE AGREEMENT OF THE  
RALPH C. MAHAR REGIONAL SCHOOL DISTRICT

Voted March 3, 1973 to initiate the following Amendment of the  
Agreement establishing the Ralph C. Mahar Regional School District  
as heretofore amended by an Amendment initiated November 8, 1956,  
January 29, 1959, October 11, 1966 and December 19, 1972.

PROPOSED AMENDMENT TO THE RALPH C. MAHAR REGIONAL SCHOOL DISTRICT  
AGREEMENT PROVIDING FOR CHANGES IN SECTION IV - APPORTIONMENT  
AND PAYMENT OF COSTS INCURRED BY THE SCHOOL DISTRICT

By striking out Subsection F of Section IV and inserting in place  
thereof the following:

Each member town shall pay its proportionate share of the  
construction and operating costs to the Regional School  
District each fiscal year in four equal installments not  
later than the first day of September, December, March and  
June; for the specific fiscal period of January 1, 1973  
through June 30, 1974, the payments shall be paid in six (6)  
equal installments not later than the first day of April 1973,  
June 1973, September 1973, December 1973, March 1974 and  
June 1974.