

AMENDMENT TO REGIONAL AGREEMENT

ESTABLISHING

THE SOUTHERN BERKSHIRE REGIONAL SCHOOL DISTRICT

The Regional Agreement Establishing the Southern Berkshire Regional School District as restated effective as of July 1, 2011, is amended by deleting the introductory paragraph and subparagraphs a. through h., inclusive, of Section 4 APPORTIONMENT OF COSTS, and replacing those deleted subparagraphs with a new introductory paragraph and new subparagraphs a. through h. of Section 4 APPORTIONMENT OF COSTS, inclusive, to read in their entirety as follows:

4. APPORTIONMENT OF COSTS.

For the purpose of apportionment among Member Towns of the District, costs shall be classified as capital costs, operating costs, and transportation costs. (For purposes herein, costs apportioned among and assessed to the Member Towns shall not include any costs paid by third party sources as determined by the Regional School Committee, including but not limited to Chapter 70 state aid, Chapter 71 Regional Transportation Reimbursement, and Medicaid reimbursements.)

- a. Capital costs shall include cost of site, construction, laying out playgrounds and athletic fields, original grading, original equipment, and other costs incurred to put a new school plant into operation. Capital costs shall also include interest on indebtedness incurred to meet these outlays and the expense incident to the preparation, issuing, and marketing of bonds and other obligations. All subsequent improvements to the school plant which would be capitalized according to generally accepted accounting practices shall be treated as capital costs.
- b. The "Required Minimum Contributions" for the Member Towns and the "Required District Contribution" for the District as used herein shall be the "required local contribution" and the "required district contribution" respectively as those terms are defined and determined by the Department of Elementary and Secondary Education (hereinafter the "DESE") in accordance with the Education Reform Act and its implementing regulations, as such statute and regulations may be amended from time to time. The ratio of each Member Town's Required Minimum Contribution to the Required District Contribution in any applicable year is hereinafter referred to as the "Applicable Percentage." For Fiscal Year 2013 (July 1 through June 30) and each Fiscal Year thereafter through Fiscal Year 2019 (July 1, 2018 through June 30, 2019), each Member Town's respective share of the annual capital costs shall be calculated as follows: each Member Town's respective share of the annual capital costs shall be calculated by multiplying total capital costs by the percentage that such Member Town's Required Minimum Contribution bears to the District's Required District Contribution for the applicable fiscal year. For Fiscal Year 2020 (July 1, 2019 through June 30, 2020) and each Fiscal Year thereafter, each Member Town's respective share of the annual capital costs shall be calculated by multiplying total capital

costs by the percentage share that such Member Town’s 5-year rolling average Required Minimum Contribution bears to the total of the District’s 5-year rolling average Required District Contribution. The 5-year rolling averages shall be calculated using the Required Minimum Contributions for the current and four fiscal years prior.

Examples: The years to be included to calculate the 5-year rolling average Required Minimum Contribution for FY20 and FY21 are:

FY20 – Fiscal Years 2016, 2017, 2018, 2019, 2020

FY21 – Fiscal Years 2017, 2018, 2019, 2020, 2021

For each Member Town, the percentage share that such Member Town’s 5-year rolling average Required Minimum Contribution bears to the total of the District’s 5-year rolling average Required District Contribution is hereinafter referred to as the “Rolling Average Applicable Percentage”.

- c. The payments of respective shares of said capital costs of each of the Member Towns for each year shall be paid in two equal installments made by the respective town treasurers by checks payable to the District and delivered to the District not later than August 15th and March 15th of each fiscal year. In the event a different payment schedule is required in order to allow the District to meet its payment obligations under any bond issues or other financing facilities for capital costs (“Indebtedness Payment”), each Member Town shall make such payments of its respective share of said Indebtedness Payment no later than 15 days preceding the date on which such obligation is so payable by the District.
- d. Operating costs shall include all estimated expenses of the District except capital and transportation costs, including but not limited to salaries, administration expenses, wages, textbooks, supplies, additions to current equipment, repairs, maintenance and interest on temporary notes issued in anticipation of revenue to be earned by the District.
- e. For Fiscal Year 2013 and each Fiscal Year thereafter through Fiscal Year 2019 (July 1, 2018 through June 30, 2019), each Member Town's share of the total operating costs of the District schools in any fiscal year shall be calculated by multiplying the total operating budget by the Member Town’s respective Applicable Percentage. For Fiscal Year 2020 (July 1, 2019 through June 30, 2020) and each Fiscal Year thereafter, each Member Town's annual respective share of the total operating costs of the District schools in any fiscal year shall be calculated in a two-step process as follows: First, each Member Town’s respective share of the total Required Minimum Contribution shall be calculated by multiplying the Required District Contribution as shown in the District’s budget for the applicable fiscal year by the Member Town’s respective Applicable Percentage for that year. Second, the balance of each Member Town’s respective share of the total operating costs of the District schools as shown in the District’s budget for the applicable fiscal year in excess of the Required Minimum Contribution shall be calculated by multiplying the remaining balance of the total operating costs of the District schools as shown in the District’s budget for the applicable fiscal year by such Member Town’s Rolling Average Applicable Percentage.

- f. The District shall arrange for necessary transportation for pupils from all member towns attending the Regional District schools under provisions of applicable MGL and special acts.
- g. For Fiscal Year 2013 and each Fiscal Year thereafter through Fiscal Year 2019 (July 1, 2018 through June 30, 2019), each Member Town's share of the total transportation costs shall be calculated by multiplying the total transportation costs by the Member Town's respective Applicable Percentage. For Fiscal Year 2020 (July 1, 2019 through June 30, 2020) and each Fiscal Year thereafter, each Member Town's respective share of the annual transportation costs shall be calculated by multiplying total transportation costs of the District for that fiscal year by such Member Town's Rolling Average Applicable Percentage.
- h. Each Member Town shall make payment for its respective share of the District's estimated annual operating and transportation costs upon certification by the District treasurer as specified in section 8(b) below, such payment to be made by the respective town treasurer in four equal installments on the fifteenth day of August, November, February and May, by check payable to the District.

All other terms and provisions of the Regional Agreement Establishing the Southern Berkshire Regional School District as restated effective as of July 1, 2011, and including but not limited to subparagraphs i, and j of Section 4 APPORTIONMENT OF COSTS, remain in full force and effect in their entirety.