

indebtedness by the district shall be approved by the registered voters in the member towns pursuant to the provisions of clause (n) of section sixteen. In any district for which the agreement does not so provide, the incurring of indebtedness shall be subject to disapproval by any member town pursuant to the provisions of clause (d) of said section sixteen. Notwithstanding the provisions of this section, the regional district school may, by vote of two-thirds of all its members, require that the approval of any particular authorized issue of indebtedness shall be by the registered voters of the member towns of the district pursuant to the provisions of clause (n) of section sixteen rather than pursuant to the provisions of clause (d) of said section sixteen. *Added by St.1968, c.376, s.1. Amended by St.1995, c.38, s.99.*

## Chapter 71, Section 14E

### *Options for Election of Regional District School Committees*

A regional school district may, by amendment to its regional school district agreement, provide for one of the following options concerning the members of its regional district school committee: (1) electing committee members by voters in member communities with each community's representation apportioned according to population; (2) electing members in district-wide elections to be held at the biennial state elections; (3) electing members with residency requirements in district-wide elections to be held at the biennial state elections; (4) weighing the votes of committee members according to the population they represent; and (5) appointing members by locally elected officials such as school board members. Each regional school district shall designate an individual to serve as district clerk.

If a regional school district decides to elect members in district-wide elections to be held at the biennial state elections or if any vacancy is to be so filled, the district clerk shall notify the state secretary by April fifteenth of the year of the biennial state election of that fact and also of his name and mailing address. *Added by St.1988, c.10, s.10.*

## Chapter 71, Section 15

### *Acceptance of Agreement by Electorate*

The selectmen or council of each of the several towns shall, upon receipt of the recommendation that a regional school district should be formed and of a proposed agreement therefor submitted in accordance with the provisions of sections fourteen to fourteen B, inclusive, or otherwise in the form and with the approval required by said sections, cause to be presented the question of accepting the provisions of sections sixteen to sixteen I, inclusive, and the proposed agreement or agreements. Said question shall be determined, in a town having an open town meeting, by vote with printed ballots at an annual or special town meeting to be held in either case within thirty days after receipt of such recommendation by the

selectmen and, in a town meeting having a representative town meeting or council, at an annual or special town election to be held in either case not less than thirty-five nor more than fifty days after receipt of such recommendation. The article in the warrant for such annual or special town meeting or election and the question on the printed ballots to be used at such meeting or election shall be in substantially the following form:

Shall the town accept the provisions of sections sixteen to sixteen I, inclusive, of chapter seventy-one of the General Laws, providing for the establishment of a regional school district, together with the towns of \_\_\_\_\_, and \_\_\_\_\_, etc., and the construction, maintenance and operation of a regional school by said district in accordance with the provisions of a proposed agreement filed with the selectmen?

If a majority of the voters present and voting on said question in each of the several towns shall vote in the affirmative, said sections sixteen to sixteen I, inclusive, shall become effective, and the proposed regional school district shall be deemed to be established forthwith in accordance with the terms of the agreement so adopted notwithstanding any defect or omission in the creation or organization of any regional school district planning committee or regional school district planning board. *Added by St.1949, c.638, s.1; amended by St.1951, c.331, s.4; St.1955, c.141, s.1; St.1957, c.53; St.1966, c.136; St.1996, c.455, s.27.*

## Chapter 71, Section 16

### *Status, Powers, and Duties*

A regional school district established under the provisions of the preceding section shall be a body politic and corporate with all the powers and duties conferred by law upon school committees, and with the following additional powers and duties:

- (a) To adopt a name and a corporate seal, and the engraved or printed facsimile of such seal on a bond or note of the district shall have the same validity and effect as though such seal were impressed thereon.
- (b) To sue and be sued, but only to the same extent and upon the same conditions that a town may sue or be sued.
- (c) To acquire property within the towns comprising the district under the provisions of chapter seventy-nine and section fourteen of chapter forty for the purposes of the district and to construct, reconstruct, add to, remodel, make extraordinary repairs to equip, organize and operate a school or schools for the benefit of the towns comprising the district, and to make any necessary contracts in relation thereto; provided, however, that no property shall be required unless the town in which such property is located approves such acquisition by a two-thirds vote at a town meeting which shall be called within sixty days after the district committee authorizes the incurring of debt for such purpose.

## **DECEMBER 2010—Information on One-Man/One-Vote Issue**

The following information was provided to the school committee by Attorney Fred Dupere after being asked by the committee to briefly define and provide examples for the issue of meeting the one-man, one-vote requirement. The school committee voted to provide information to the member towns during the summer and fall of 2010 with an expectation that they would choose one method and request that this be put on a town warrant article for annual town meetings in the spring of 2011. The school committee currently agrees with legal counsel in terms of favoring options number 3 and 4. Both of these options have been offered to the towns in the past with the following summarizing the timeline of activities:

- Issue first arises in 1987;
- 1999—Linda Ray and Shirley Winer run study circles on options;
- 2000—First option (district-wide elections) fails to win 7 town approval;
- 2002—Second option (weighted vote) sent to towns;
- 2003—Weighted vote has 5 town approval;
- 2003—School Committee appoints Joe Boudreau and Dan Jacques to adhoc committee to review options—they report back in 2004;
- 2005—Montgomery becomes the 7<sup>th</sup> town to vote for weighted vote but two days prior to Montgomery town meeting, Worthington rescinds their vote (The initial vote in Worthington was overwhelmingly in favor of the weighted option during a well attended annual town meeting, the rescind vote was 29 to 19 after the majority of people left annual town meeting);
- 2005—School Committee votes to seek legislative solution to problem, Attorney Dupere drafts legislation that is consequently given to district legislators but is not moved forward for action;
- 2009—School Committee again takes up the issue of complying with one-man, one-vote provisions of Constitution

**The statutory options are contained in M.G.L., c. 71, s. 14E. The five options with Attorney Dupere's comments are as follows:**

**(1) Electing committee members by voters in member communities with each community's representation apportioned according to population.**

I am aware of no school district which has adopted this option. Apparently under this method the Regional School District Agreement would determine the total number of School Committee members. The member communities would then vote for the School Committee members. After the members have been voted in, then the member would have his/her vote apportioned according to population. The language in this paragraph does not reference any residency requirement. In this scenario it would be possible that smaller communities would end up with no members on the School Committee, and with all School Committee decisions being made by the larger towns. This option seems to represent a combination of a district-wide election with weighted voting. In my opinion such a voting scheme would be inherently unfair to communities with the smallest populations.

**(2) Electing members in district-wide elections to be held at the biennial state elections.**

This method of election also strongly favors the larger towns. Under this method everyone throughout the District could vote for any candidate from any town. This process could result in School Committee members only from the largest towns. The difference between this option and option (1) is that in this

option there is no weighted vote. Each member of the School Committee would have one vote. To my knowledge no Regional School District has adopted this option.

(3) Electing members with residency requirements in district-wide elections to be held at the biennial state election.

This election method exists in numerous Regional School Districts. Under this election method the Regional Agreement would provide for the number of school committee members from each town. The number of school committee members from each town should bear some relationship to the population of the Town. For example, a smaller town should not have more members than a larger town. You could also have the same number from each town. In this method all voters can vote for a particular candidate whether or not the voter and the candidate come from the same town. Under this method you could have the voters from the larger town determining who will sit on the School Committee from a smaller town.

During my practice I have not seen this as a real issue. The voters tend to be more concerned with the candidates from their own town rather than residents of other towns. It is possible that a small town might have a School Committee member that they like, but the voters in the rest of the District do not like, and the small town could end up with someone who is not supported by the voters in the small town. Although this is a possibility I have never actually seen this result occur in any School District that I represent.

(4) Weighing the votes of committee members according to the population they represent.

This method of voting also exists in numerous Regional School Districts. In this circumstance you could have varying numbers from each town (again the number of members should bear some proportion to the population of the town), or you could have the same number for each town. You could also have the number of members and their vote determined by the population of the Town within a 10% margin. This might not be possible in Gateway because of the number of towns and the differences in the population of each town. The only method I have seen as the determination of population is the Federal Census. You cannot use voter registration, since voter registration is not the same thing as the population of the Town.

Under this scheme you would need to determine the voting weight of each number of the School Committee. This would be based on the voting weight of the Town determined by the percent of the population to the Town to the whole district and then a division by the number of members from that Town.

(5) Appointing members by locally elected officials such as school board members.

I am not aware of a school district which has adopted this election method. Realistically under this method the Board of Selectmen of each town would appoint school committee members to the School Committee. The length of service could be determined by the Regional Agreement. Since the Board of Selectmen could appoint, it is likely they could also remove a member from their town at any time.

In representing numerous Regional School Districts across the Commonwealth, it is my opinion that the most reasonable options for Gateway would be paragraph (3) or (4).

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SUPERINTENDENT OF SCHOOLS  
GATEWAY REGIONAL SCHOOL DISTRICT  
BLANDFORD CHESTER HUNTINGTON MIDDLEFIELD MONTGOMERY RUSSELL WORTHINGTON

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**TO:** REPRESENTATIVE KULIK  
**FROM:** DAVE HOPSON  
**SUBJECT:** ONE-MAN, ONE-VOTE HISTORY  
**DATE:** MAY 17, 2005  
**CC:** SCHOOL COMMITTEE

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Based upon the recollections of school committee members, Gateway administrators, and school committee members, what follows is a brief historical outline of the one-man, one-vote issue in the Gateway Regional School District.

1987: Letters from Secretary of State to all regional school districts outlining the 5 options for determining school committee membership.

1998: Richard Wagner, then Chair of the Worthington Board of Selectmen, presents GTAC (Gateway Towns Advisory Committee) with a letter that was already several years old stating that the Gateway School District was not in compliance with requirements.

1999: Shirley Winer and Linda Ray, as authorized members of the GRSD School Committee, begin educating member towns on the 5 possible options through study circles. Town officials and the public were invited to these meetings.

2000: The first request for a one-man/one-vote amendment to the regional agreement was submitted to the towns for ratification. This called for 2 representatives from each town (residency requirement) to be selected through district-wide elections (held in conjunction with state/national elections). Huntington and Chester elected not to support this option.

2002: The school committee's second request for an amendment was submitted to the towns. This option had two representatives with a weighted vote (based upon decennial census figures) to be elected by each of the seven towns. The superintendent and school committee's legal counsel offered to meet with any town desiring more information. By the school committee meeting of 9/24/03 the district had 5 certified town votes in favor of this option and the sixth town had also voted in favor. The only town voting against this option was Montgomery. On 10/22/03 Daniel Jacques (Montgomery board of selectmen member) and Joe Boudreau (Worthington finance committee member) approached the school committee with a request to form an ad-hoc committee to investigate other options. On 11/12/03 the school committee voted to set-up an ad-hoc committee to report back to the school committee.

2004: On 1/28/04 the school committee was updated on the ad-hoc committee's progress, a presentation is set for 2/11/04. On 2/11/04 Dan Jacques and Joe Boudreau update the committee and indicate they had contacted other districts for potential solutions. Some of

these districts were still out of compliance. The ad-hoc committee would go to the towns with potential options. On 8/25/04 the school committee votes to request legal counsel to contact DOE to review whether district is in compliance because the ad-hoc committee did not complete its task within the time frame specified by the school committee.

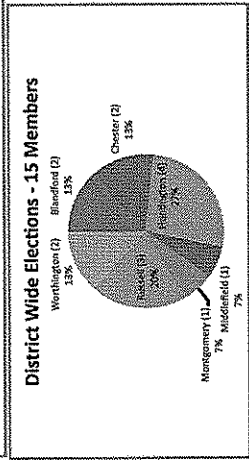
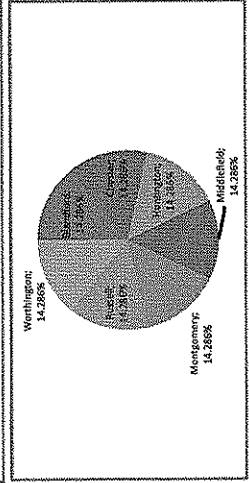
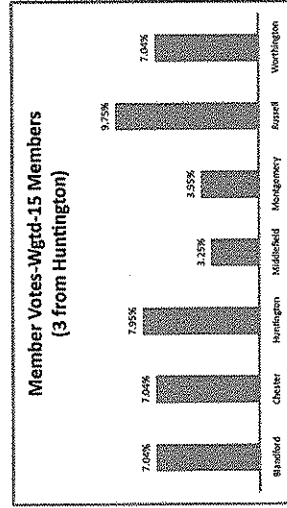
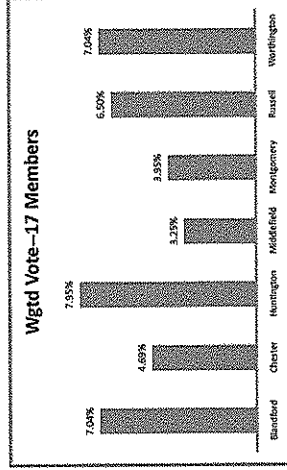
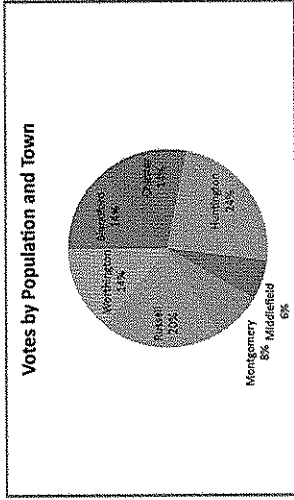
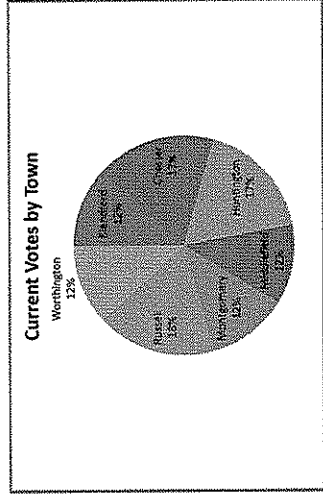
2005: At the 2/2/05 school committee meeting, Attorney Dupere notes that the DOE has determined that we are not in compliance, the original 6 towns' votes for the amendment are still valid, and that although the Supreme Court allows a 14% deviation, the towns of the district are out of compliance by over 110%. The school committee votes to bring this back to Montgomery, offers to meet with the town, and requests that it be put on the town meeting warrant. During the spring, the superintendent, school committee chair and vice-chair meets with town officials to review options. Several questions came up over the course of several weeks that are responded to via e-mail. Montgomery board of selectmen elects to place this option on the town floor for their May town meeting. Worthington town officials, seeking to have leverage to change financial options in the regional agreement, agree to put an article to rescind their approval of the weighted school committee membership. On Saturday, May 7<sup>th</sup>, after nearly 5 hours of town meeting, the finance committee gives an extensive overview of the reasons they believe the weighted vote should be rescinded. Without comparable time accorded to a rebuttal of the lengthy finance committee presentation, and only 48 people voting, the town moves to rescind their support of the one-man/one-vote solution. Two days later, Monday, May 9<sup>th</sup>, the Montgomery town meeting becomes the seventh, and last town, in the district to support a weighted vote as a means of resolving the one-man/one-vote issue. At the school committee meeting (5/11/05) the school committee, in executive session, voted to move forward with the option of seeking legislative action to resolve the one-man/one-vote issue. To that end they directed the superintendent to have legal counsel draw up a draft of the required legislation and begin inquiring of our elected officials if they would be able to sponsor such legislation in the House and Senate.

#### KEY POINTS

- Issue first arises in 1987
- First option (district-wide elections) fails to win 7 town approval
- Second option (weighted vote) wins 7 town approval but is rescinded in Worthington
- Worthington actually gains voting weight on school committee under the current proposal verses existing, non-compliant structure
- The initial vote in Worthington was overwhelmingly in favor of the weighted option during a well attended annual town meeting, the rescind vote was 29 to 19 after the majority of people left annual town meeting.
- Worthington Finance Committee publicly states that rescinding the weighted vote will give them leverage to enact changes that would be financially beneficial to the town.

# Comparison of School Committee Membership and Weighted Votes Under Weighted Vote Option

Town	Current Town Vote	Approx. Population City-	Approx. Population Data-	Town Vote Total Wgted Members	Member Vote Wgted-14 each town with 2 members	Member Vote Wgted-17 current membership	Member Vote Wgted 15 Huntingdon 3 members, all others 2
Blandford	11.76	1300	1300	14.08%	7.04%	7.04%	7.04%
Chester	17.64	1300	1300	14.08%	7.04%	4.69%	7.04%
Huntington	17.64	2200	2200	23.84%	11.92%	7.95%	7.95%
Middlefield	11.76	600	600	6.50%	3.25%	3.25%	3.25%
Montgomery	11.76	730	730	7.91%	3.95%	3.95%	3.95%
Russell	17.64	1800	1800	19.50%	9.75%	6.50%	9.75%
Worthington	11.76	1300	1300	14.08%	7.04%	7.04%	7.04%
		9230	9230	100.00%			
Current vote is 5.88% for each school committee member							



Combinations Necessary for 50% of wgted vote (with all members from that town attending):

Blandford	14.08%	14.08%	14.08%
Chester	14.08%	14.08%	14.08%
Huntington	23.84%	23.84%	23.84%
Middlefield	6.50%	6.50%	6.50%
Montgomery	7.91%	7.91%	7.91%
Russell	19.50%	19.50%	19.50%
Worthington	14.08%	14.08%	14.08%
	100.00%	100.00%	100.00%

What is required quorum going to be?

50% of votes or a supermajority

50% of towns or a supermajority

Does a quorum require both % of votes and number of towns represented?

Are these changes dependent on number of school committee members, i.e., one per town, two per town, current arrangement?

How does the committee wish to move forward with scenarios for voting and replacement?

## *Dupere Law Offices*

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Southampton, Massachusetts 01073  
Tel: (413) 527-4716 Fax: (413) 527-8566*

*Fernand J. Dupere, Esq.  
Russell J. Dupere, Esq.  
Adam J. Dupere, Esq.*

April 8, 2010

Dr. David Hopson  
Superintendent  
Gateway Regional School District  
12 Littleville Road  
Huntington, MA 01050

Dear David:

It is my understanding that the Gateway Regional School Committee has requested my opinion as General Counsel as to the election options for the school committee and my observations as to each possible option.

The statutory options are contained in M.G.L., c. 71, s. 14E. They are as follows:

(1) Electing committee members by voters in member communities with each community's representation apportioned according to population.

I am aware of no school district which has adopted this option. Apparently under this method the Regional School District Agreement would determine the total number of School Committee members. The member communities would then vote for the School Committee members. After the members have been voted in, then the member would have his/her vote apportioned according to population. The language in this paragraph does not reference any residency requirement. In this scenario it would be possible that smaller communities would end up with no members on the School Committee, and with all School Committee decisions being made by the larger towns. This option seems to represent a combination of a district-wide election with weighted voting. In my opinion such a voting scheme would be inherently unfair to communities with the smallest populations.

(5) Appointing members by locally elected officials such as school board members.

I am not aware of a school district which has adopted this election method. Realistically under this method the Board of Selectmen of each town would appoint school committee members to the School Committee. The length of service could be determined by the Regional Agreement. Since the Board of Selectmen could appoint, it is likely they could also remove a member from their town at any time.

In representing numerous Regional School Districts across the Commonwealth, it is my opinion that the most reasonable options for Gateway would be paragraph (3) or (4). I imagine that this issue will be the subject of much discussion and analysis by the School Committee. If I can be of any further assistance, please feel free to contact me.

Sincerely,  
Fred Dupere, Esq.



# GATEWAY REGIONAL DISTRICT SCHOOL COMMITTEE

## REGULAR MEETING

WEDNESDAY, MARCH 24, 2010

R.H. Conwell Elementary School  
7:30 P.M.

(A PORTION OF THIS MEETING MAY BE HELD IN EXECUTIVE SESSION)

### I. OPENING OF MEETING

BLANDFORD  
Michele Crane

CHESTER  
Beth Brett  
Shirley Winer  
Patricia Simonowicz

HUNTINGTON  
Ron Damon  
Linda Ray  
Scott Tillinghast

MIDDLEFIELD  
Sam Sico  
Tim Parker

MONTGOMERY

RUSSELL  
Ellen Hirtle

WORTHINGTON  
Sue Levreault  
Gretchen Eliason

SECRETARY  
Stacy Stewart

CENTRAL ADMINISTRATION  
Dr. David B. Hopson, Superintendent  
Stephanie Fisk, Business & Finance

STUDENT REPRESENTATIVES

ADMINISTRATIVE COUNCIL  
Joanne Blocker, Elementary Principal  
Angela Burke, Technology Director  
Janice Doppler, Curriculum Director  
Wendy Long, District Grant Writer  
Rebecca Wanczyk, Elementary AssistantPrincipal

OTHERS: \_\_\_\_\_

### II. PUBLIC INPUT FOR ITEMS NOT LISTED ON AGENDA

- John McDonald would like to know how many people feel duped now that school committee has consolidated elementary schools. He asked how many were in on it all along. He suggested that school committee members resign for the good of the towns.
- Mrs. Ray commented that many of the school committee members have been on the committee for many years and don't need to ask as many questions. She also stated she takes offence to his comments.
- Helen Sharon Pollard was reading in the country journal that school committee voted against Worthington's request to calculate town assessments according to the regional agreement. She would like to know why Blandford voted against it, they would have saved the town \$250,000. She would like to know the process for school committee communicating with their towns.
- Dr. Hopson said that each member would have to answer that question.
- Mrs. Ray said they were not given the opportunity to previously prepare for that vote, but that she voted in the best interest of her town. She also stated that Huntington school committee members meet with their select board whenever they are requested or have information to communicate.
- Mrs. Winer said that as school committee members their mandate is to the children not their towns.
- Joe Simonowicz stated that it didn't matter, because three or four of the towns would have paid more and if there is one no vote, it fails.
- Dr. Hopson said that in order to have town assessments calculated according to the regional agreement, it takes a yes vote of every town every year or you have to revert back to the state's process.
- Julie Sharon said she was away when school committee voted to consolidate elementary schools. Her concerns are the psychological demands on the children. She asked if we hired a Psychologist to see what those effects would be.
- Dr. Hopson said no outside psychologist was hired. We have adjustment counselors who work with the children.

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### III. STUDENT COUNCIL INPUT

A. 3/1/10 Minutes (Enc.)

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### IV. CONSENT ITEMS

*Mr. Damon made a motion seconded by Mrs. Brett to accept the minutes of 3/3/10.*

*Motion Carried (VOTE) Yeas 9 Nays Abstain 3 Absent*

*Mrs. Levreault made a motion seconded by Mr. Damon to accept the minutes of 3/3/10 Public Hearing.*

*Motion Carried (VOTE) Yeas 9 Nays Abstain 3 Absent*

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### V. PRESENTATIONS/REPORTS/RECOGNITIONS

#### A. 8<sup>th</sup> Grade Field Trip to High Meadows – Pat Diefendorf

- Field trip is June 8<sup>th</sup>
  - High Meadows is a recreational park in Connecticut.
  - Mrs. Crane said we would move this to old business for a vote at the next meeting.
- 

### VI. COMMUNICATIONS

#### A. Student Representative - none

#### B. School Committee

- Mrs. Winer is unclear on the Ethics requirements.
- Dr. Hopson asked her to see Mrs. Stewart.

#### C. Chairperson

- Mrs. Crane is acting as chairperson tonight.
- She reminded the committee she is still collecting money for the yearbook.

#### D. Superintendent – Central Office Update (Enc.)

- We are looking at tagging surplus equipment
- Both Worthington and Blandford are concerned about kitchen equipment being left. Most of which is being left in the buildings.
- Broken equipment is being collected presently.
- There are three finalists for the Elementary Assistant Principal opening. One of the finalists in internal.

#### E. Business Manager

- School Choice numbers – Ms. Fisk said that currently Central Berkshire has 16 requests. They are not registering students until they have a handle on their class sizes.

#### F. Administration

- Mrs. Blocker thanked the PTO for the goodies tonight.
  - Mrs. Blocker said they had their first New PTO meeting. Mrs. Blocker said there is a member from each town. Blandford and Chester PTO will start in September.
- 

### VII. AD HOC COMMITTEE REPORTING

#### A. Superintendent's Evaluation Update

- Met tonight.
  - Questions for professional staff have been finalized. The School committee survey will be included in the next packet.
- 

### VIII. OLD BUSINESS/ACTION ITEMS

#### A. Budget Update

- Dr. Hopson was at a legislative meeting. The good news is there should only be a 4% decrease in Chapter 70, but the bad news is there will be no local aid resolution.
- Dr. Hopson handed out a sheet of potential cuts and items we might purchase this year instead.
- Mrs. Levreault asked about the textbooks on the list if there were specific books.
- Ms. Fisk said Biotechnology and World History.
- Mrs. Levreault asked how old the World History books were.
- Ms. Fisk didn't know.

- Mr. Damon urged us to make Foreign Language at the elementary schools the last of cuts.
- Dr. Hopson asked Mr. Damon if he would rather have foreign language and no reading teacher.
- Dr. Hopson said we might also face cuts before the end of this year.
- Mrs. Eliason would rather see reductions made in central office than teaching staff.
- Dr. Hopson explained that the Director of Academics is a new position, but replaces the Curriculum Director. Pay raises have been the same as everyone 3%. The curriculum director was added so we could have a solid curriculum to help move the district forward. Margery Gerard is leaving and has been taking on extra tasks for years; no one could take that position over. The two positions are equal to what Margery and Janice were making and we can't eliminate them. The increase in the Grant Writer is an increase in hours to start an education foundation. The town of Russell asked why we have a grant writer. The grant writer brought in \$800,000. This impacts students.
- Mrs. Winer asked how much one elementary foreign language teacher gets done.
- Mrs. Blocker said about 30 to 40 minutes per week.
- Mrs. Hirtle asked if we eliminate the Literacy coach and Math coach, would we still meet the requirements of Title I.
- Dr. Hopson said yes, we still have a part-time position.
- John McDonald asked how much money was in E & D.
- Ms. Fisk said \$675,000 and she is using over \$375,000 to offset town assessments.

#### **B. One Man One Vote Options – Attorney Dupere**

- The general principle is that anyone elected has to be based on a voting principle of one-man one vote.
- Option 1 – Weighted Voting – consists of two members from each town – look at population (census) to determine for each town what percentage their vote has. The two people would have a proportion. Mohawk and Southwick are an example.
- Option 2 - consists of a certain number from each town. Everyone is from a district-wide election with residency requirement. It doesn't matter how many from each town.
- Option 3 – consists of representatives from each town voted at election. Number of representatives from each town is based on town population. There shouldn't be more than a 10% differential.
- The towns previously discussed the issue of one man one vote and a legal opinion was requested. Both Fred's legal opinion and the state's legal opinion determined that Gateway is non-compliant with the Constitution.
- Mrs. Winer said we've actually been through this twice.
- Mrs. Eliason asked why it matters.
- Fred stated the representative has to represent their population.
- Mr. Tillinghast said this trickles down from the Constitution.
- Fred said this has been fully litigated. We are not scholars for debate. The Supreme Court has already ruled on this.
- Mr. Tillinghast asked who the government body is checking on us to make sure we follow this.
- Fred said the Department of Elementary and Secondary Education reviews every new Regional Agreement. Regarding the older regions there was a belief that the 14<sup>th</sup> amendment didn't apply to Regionals. Fred stated that of the 35 or so school districts he represents we are the only one that is non-compliant.
- Mr. Tillinghast asked if there was something that says we have to change now.
- Fred said we could have a ten-taxpayer suit brought against the district and could be subject to litigation.
- Mr. Damon said under the second scenario no one would not have an equal vote.
- Fred said the second option would be more popular in a two-town region. Dealing with regions as large as Gateway with towns being so far apart, all towns might not know who is elected/running. Although any of the three options are legal.
- Ms. Eliason asked if case law states school committee has the responsibility to represent the constituents of the town.
- Fred said case law only applies to the Constitution.
- Mr. Parker said couldn't we just add or decrease members.
- Fred said yes, you would change members according to population.
- Dr. Hopson said it would have to be a change to the regional agreement and all seven towns would have to agree. School committee needs to decide which one they want to move forward to the towns. We could decide in the fall and bring it to the towns for a vote in the spring.
- Fred they all work fine. You just have to get used to it.
- Mr. Tillinghast asked if a member from a town is not present, does the other member have to right to represent their weight.
- Fred said no. Fred said when the constitution was developed; the only voters were white, male landowners. The 14<sup>th</sup> amendment states that every person is equal regardless of wealth, status, or color.

- Mr. Damon said that if we adjust members by town population, Huntington has 25% and the result could be perceived as total control. We could avoid that if we use the second option. We need to consider the impact on our school committee.
- Fred said this is why it would work with district wide elections with residency requirements. He said we should use the latest federal census.
- Mr. Tillinghast asked wouldn't it make sense to use the town population no census.
- Fred said he has always relied on the federal census.
- Mrs. Winer said the first time school committee went through this they went with two people from each town, but the region wasn't ready to vote for people from other towns. The second time through we went with two people from each town with weighted voting.
- Mrs. Levreault echoed Mrs. Winer. She also stated that three towns didn't want to lose votes.
- Fred said with residency everyone votes. You shouldn't have a smaller town with a greater number. For example Middlefield could keep one, but Russell should have two or three.
- Mr. Tillinghast asked if there could be one member from each town with an alternate.
- Fred said you could have one member, but no alternate.
- Mr. Tillinghast asked what if we don't decide.
- Fred said the state might come and run the school until the towns decide.
- Mr. Damon said we need to make a decision to avoid litigation.
- Dr. Hopson said Fred could put this in black and white and give us examples.
- Mr. Sico asked if we go with district wide with residency does it go on every ballot in every town.
- Fred said at Biannual State elections.
- Dr. Hopson said when you vote in November for reps it is for four-year terms.
- Mr. Sico said even if we were brought to court we would be in the same position.
- Mrs. Long asked if Fred could use school district examples and give an example of a ballot when he drafts up the explanations.
- John McDonald asked in a lawsuit why would you pay money, unless your attorney changes his mind.
- Fred explained that it would only cost money if ten people took the district to court and it went to appellate court.
- Mr. Tillinghast asked when this could be voted in and why at the annual town meeting or could it be a special town meeting.
- Fred said it does not have to be at the annual town meeting. Many have been done at special town meetings. It is usually done within a year.

#### **C. Transitional Planning - ETC Update**

- The next meeting is the second Monday in April.
- There is still no response to fill slots from Worthington and the committee is one short in Russell.
- Requests will be sent home in red folders next week.

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#### **IX. NEW BUSINESS/ACTION ITEMS**

- Mr. Tillinghast clarified his professional development/teacher training request. He would like to discuss it in terms of changing it in teacher negotiations.
- Mrs. Levreault commented her concerns that if we decide not to travel for school committee meetings next year. She is concerned with communication given we've consolidated elementary schools. She feels we should reconsider.

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#### **X. OTHER BUSINESS/ITEMS FOR NEXT AGENDA**

##### **Future Agenda Items**

Wellness Policy – Wendy McCaul – April 14  
 National School Lunch Program – Wendy McCaul – April 14  
 Bus Bid Update – April 14  
 School Choice Parent Request – April 14  
 Trip Request to Mark Twain Homestead CT – Rod Kleber  
 Pioneer Valley Excellence In Teaching Award  
 Vocational Deadline  
 Behavior Program Update  
 Professional Development/Teacher Training

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#### **XI. INFORMATION**

##### **Information**

Kindergarten And Preschool Screening

Superintendent's Corner March 15, 2010  
 Volunteers Treated To Dinner  
 New School, New Mission (statement)  
 School Committee Adopts Budget  
 "Hoops For Heart" Annual Faculty-Student Game  
 Talent Show On March 26  
 Joanne Blocker To Become Director Of Academics  
 MCAS Testing To Begin Next Week  
 Gateway's Week At A Glance Week Ending March 27, 2010  
 R.H. Conwell Elementary School Daily Hampshire Gazette 2010 Photo Project  
 Superintendent's Corner March 8, 2010  
 Gateway's Week At A Glance Week Ending March 20, 2010  
 Student Groups Raise Awareness At Gateway  
 13<sup>th</sup> Annual Read Across America Day  
 Scholastic Book Fair At Littleville  
 Gateway Budget Hearing  
 Schools Closed March 15 For Parent-Teacher Conferences

### Warrants

PR#19 \$382,350.33

AP#1067 \$212,130.00

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### **XII. EXECUTIVE SESSION**

Minutes from 3/3/10 included in school committee packet for approval and release.  
 ➤ Did not go into executive session.

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### **XIII. ADJOURNMENT**

**Mrs. Ray made a motion seconded by Mrs. Levreault to adjourn at 9:30 p.m.**

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Respectfully Submitted,  
 Stacy L. Stewart  
 School Committee Secretary



## The Commonwealth of Massachusetts Department of Education

350 Main Street, Malden, Massachusetts 02148-5023

Telephone: (781) 338-3000

January 11, 2005

Fernand J. Dupere, Esq.  
223 College Highway  
Post Office Box 373  
Southampton, MA 01073

Dear Attorney Dupere:

Your letter to Rhoda Schneider regarding the Gateway Regional School District (Gateway) has been referred to me for response. I apologize for the delayed response. Specifically, you requested a legal opinion regarding whether the current method of selecting representatives to Gateway's School Committee complies with the "one person, one vote" principle.

As you know, the "one person, one vote" rule, derived from the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, requires that regional school committee members are elected in proportion to the populations the regional school district represents. Based on the information contained in your letter regarding the current representation structure and the population figures you submitted, I have determined that the total deviation is 110%.

Town	# of Members	Population	Actual Rep.	Ideal Rep.	Deviation
Blandford	2	1,214	607	519	14%
Chester	3	1,308	436	519	19%
Huntington	3	2,174	725	519	28%
Middlefield	2	542	271	519	92%
Montgomery	2	654	327	519	59%
Russell	3	1,657	552	519	6%
Worthington	2	1,270	635	519	18%
Total	17	8,819			110%

Although popularly elected regional school committees need only provide "substantial" equality in voter representation, the highest level of total deviation the Supreme Court has approved as constitutional is 16.4%. Since a total deviation of 110% exceeds the maximum limit established by the Supreme Court, it is my opinion that the current representation structure would be vulnerable to a challenge under the "one person, one vote" principle.

You also asked whether the votes taken in the spring of 2002 and the spring of 2003 remain valid. I am not aware of any provision of law that would invalidate these votes.

I hope this information is helpful. Please let me know if I can be of additional assistance regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Debra M. Comfort".

Debra M. Comfort  
Legal Counsel