

**Chap. 640.** AN ACT PROVIDING THAT THE LIBELLEE IN A DIVORCE ACTION MAY REMARRY WHEN THE DECREE BECOMES ABSOLUTE.

*Be it enacted, etc., as follows:*

Chapter 208 of the General Laws is hereby amended by striking out section 24, as amended by section 1 of chapter 168 of the acts of 1943, and inserting in place thereof the following section: — *Section 24.* After a decree of divorce has become absolute, either party may marry again as if the other were dead.

*(The foregoing was laid before the governor on the tenth day of August, 1965, and after five days it had "the force of a law", as prescribed by the constitution, as it was not returned by him with his objections thereto within that time.)*

**Chap. 641.** AN ACT PROVIDING FOR THE ELIMINATION OF RACIAL IMBALANCE IN THE PUBLIC SCHOOLS.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to eliminate forthwith racial imbalance in the public schools, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 71 of the General Laws is hereby amended by inserting after section 37B the following two sections: —

*Section 37C.* It is hereby declared to be the policy of the commonwealth to encourage all school committees to adopt as educational objectives the promotion of racial balance and the correction of existing racial imbalance in the public schools. The prevention or elimination of racial imbalance shall be an objective in all decisions involving the drawing or altering of school attendance lines and the selection of new school sites.

*Section 37D.* The school committee of each city, town and district shall, annually, at such time and in such form as the commissioner shall determine, submit statistics sufficient to enable a determination to be made of the per cent of nonwhite pupils in all public schools and in each school under the jurisdiction of each such committee. Whenever the state board of education finds that racial imbalance exists in a public school it shall notify in writing the school committee or regional school district committee having jurisdiction over such school that such finding has been made. The school committee shall thereupon prepare a plan to eliminate such racial imbalance and file a copy of such plan with the board. The term "racial imbalance" refers to a ratio between nonwhite and other students in public schools which is sharply out of balance with the racial composition of the society in which nonwhite children study, serve and work. For the purpose of this section, racial imbalance shall be deemed to exist when the per cent of nonwhite students in any public school is in excess of fifty per cent of the total number of students in such school.

Said plan shall detail the changes in existing school attendance districts, the location of proposed school sites, the proposed additions to existing school buildings, and other methods for the elimination of racial

imbalance. Said plan shall also include projections of the expected racial composition of all public schools. Any plan to detail changes in existing school attendance districts, the locations of proposed new school sites and proposed additions to existing school sites and proposed additions to existing school buildings with the intention of reducing or eliminating racial imbalance, must take into consideration on an equal basis with the above-mentioned intention, the safety of the children involved in travelling from home to school and school to home. Said plan may provide for voluntary co-operation by other cities and towns in rendering assistance and in making available facilities to effectuate said plan.

No school committee or regional school district committee shall be required as part of its plan to transport any pupil to any school outside its jurisdiction or to any school outside the school district established for his neighborhood, if the parent or guardian of such pupil files written objection thereto with such school committee.

Said board may, from time to time, require each school committee to submit to said board a report on the progress of the plan and its implementation.

The supreme judicial and the superior court shall have jurisdiction in equity upon petition of the board of education to enforce the provisions of this section.

SECTION 2. Chapter 15 of the General Laws is hereby amended by inserting after section 1H the following three sections: —

*Section 1I.* The board of education shall provide technical and other assistance in the formulation and execution of plans to eliminate racial imbalance, made pursuant to section thirty-seven D of chapter seventy-one. Whenever the board determines that a school committee or regional school district committee has failed to file a plan in compliance with the provisions of said section, it shall consult with and make specific recommendations for a plan by such school committee or regional school district committee.

If, following the receipt of notification from the board of education that racial imbalance, as defined in section thirty-seven D of chapter seventy-one, exists, a school committee or regional school district committee does not show progress within a reasonable time in eliminating racial imbalance in its schools the commissioner of education shall not certify the amount of state aid for such city or town or for such towns which are members of such regional school districts, as required by section nine of chapter seventy, and the school building assistance commission upon receipt of notice from said board that racial imbalance exists shall not approve any project for school construction for such city, town or regional school district under chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, as amended, and the commissioner of education may notify the commissioner of corporations and taxation and the comptroller to hold such funds as have been so certified under said section nine but have not been disbursed. The commissioner of education may thereafter upon receipt of a plan acceptable to the board of education notify the commissioner of corporations and taxation and the comptroller to pay any such withheld funds to such city or town in such amounts and at such times as he may designate, and the school building assistance commission upon receipt of notice from said board that a plan acceptable to it has been received may approve such projects.

The school building assistance commission shall, notwithstanding any contrary provision of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, as amended, increase the amount of grants for schoolhouse construction to sixty-five per cent of the approved cost, whenever the board of education is satisfied that the construction or enlargement of a schoolhouse is for the purpose of reducing or eliminating racial imbalance in the school system and so notifies the school building assistance commission.

*Section 1J.* Within thirty days after (1) a school committee or regional school district committee declines to accept the recommendations submitted to it by the board or (2) the board disapproves a revised plan submitted to it by a school committee or regional school district committee, said committee may file a petition for judicial review in the superior court for the county in which it is located or in the supreme judicial court for Suffolk county. The court may affirm the board's determination of the recommendations submitted by it or its determination of disapproval of a revised plan submitted to it, and order compliance with the recommendations of the board by appropriate decree, or if it finds and rules that the determination by the board is (a) in excess of the statutory authority or jurisdiction of the board, or (b) based upon an error of law, or (c) arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law, then it may set aside such determination by the board and remand the matter to it for further action.

The supreme judicial and the superior court shall have jurisdiction in equity upon petition of the board of education to order funds withheld as provided in section one I for such period of time as the court may determine.

*Section 1K.* The board of education, with the advice of the commissioner, shall appoint an advisory committee on racial imbalance and no individual shall be appointed to this advisory committee on racial imbalance who has been listed in any state or federal document as being a member of a communist front organization. The members of the committee shall serve without compensation except that they may be reimbursed for the necessary expenses actually incurred in the performance of their duties.

*Approved August 18, 1965.*

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**Chap. 642.** AN ACT PROVIDING THAT, FOR A TEMPORARY PERIOD, CERTAIN PAYMENTS UNDER THE WORKMEN'S COMPENSATION ACT IN CASES OF DEATH BE CREDITED TO AND USED FOR THE PURPOSES OF THE GENERAL SECOND-INJURY FUND.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide that certain payments under the workmen's compensation act in cases of death be credited forthwith to and used for the purposes of the general second-injury fund, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of section sixty-five N of chapter one hundred and fifty-two of the General Laws, payments made by insurers