

HOUSE No. 1732

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 10, 1946.

The committee on State Administration, to whom was referred the interim report of the special commission (including members of the General Court) established (under Chapter 88 of the Resolves of 1945) to make an investigation of certain matters relating to public education and the establishment of a state university (House, No. 1619) report the accompanying bill (House, No. 1732).

For the committee,

JOHN R. FAUSEY.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Six.

AN ACT ESTABLISHING A BOARD OF EDUCATION WHICH SHALL HAVE SUPERVISION AND CONTROL OF THE DEPARTMENT OF EDUCATION.

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

1 SECTION 1. Chapter fifteen of the General Laws is
2 hereby amended by striking out section one, as ap-
3 pearing in the Tercentenary Edition, and inserting
4 in place thereof the following:—

5 *Section 1.* There shall be a department of educa-
6 tion, in this chapter called the department, which
7 shall be under the supervision and control of a board
8 of education in sections one to six B, inclusive, called
9 the board.

1 SECTION 2. Said chapter fifteen is hereby further
2 amended by inserting after section one the two
3 following new sections:—

4 *Section 1A.* There shall be in the department a
5 board consisting of nine members appointed by the
6 governor with the advice and consent of the council.
7 Upon the expiration of the term of office of a member
8 of the board, his successor shall be appointed by the
9 governor, with the advice and consent of the council,
10 for a term of nine years. The board shall elect one
11 of its own members as chairman. The board shall

12 meet at least once a month, except during July and
13 August, and at such other times as it may determine
14 by rule and when requested by any five members.
15 The members of the board shall serve without com-
16 pensation, but shall be reimbursed for their actual
17 necessary expenses incurred in the performance of
18 their duties.

19 *Section 1B.* The board shall appoint a commis-
20 sioner of education, in this chapter called the com-
21 missioner, for a term of five years, and may remove
22 him. He shall receive such salary, not exceeding
23 dollars, as the board may determine.

1 SECTION 3. Said chapter fifteen is hereby further
2 amended by striking out section three A, inserted by
3 section one of chapter five hundred and forty-nine of
4 the acts of nineteen hundred and forty-three, and
5 inserting in place thereof the following:—

6 *Section 3A.* There shall be in the department a
7 board of collegiate authority, consisting of the com-
8 missioner, who shall be chairman, the members of the
9 board, and four citizens of the commonwealth to be
10 appointed by the governor, with the advice and con-
11 sent of the council, for terms of four years each. Of
12 the appointive members of said board, at least one
13 shall represent colleges and universities, one shall
14 represent junior colleges, and one shall represent the
15 secondary school system of the public schools of the
16 commonwealth. The members of said board of col-
17 legiate authority shall serve without compensation,
18 but shall be reimbursed for their necessary expenses
19 actually incurred in the performance of their duties.

1 SECTION 4. Said chapter fifteen is hereby further
2 amended by striking out section four, as amended

3 by section two of chapter four hundred and nine of
4 the acts of nineteen hundred and thirty-nine, and
5 inserting in place thereof the following: —

6 *Section 4.* Under the direction of the board, the
7 commissioner shall be the executive and administra-
8 tive head of the department. He shall have charge
9 of the administration and enforcement of all laws,
10 rules and regulations which it is the duty of the de-
11 partment to administer and enforce. In the depart-
12 ment there shall be a division of public libraries, a
13 division of immigration and Americanization, a divi-
14 sion of the blind, and such other divisions as the
15 board may determine. The commissioner shall make
16 such recommendations to the board relative to the
17 formation of new divisions in the department as he
18 deems advisable. Each division, except the division
19 of immigration and Americanization, shall be in
20 charge of a director and shall be under the general
21 supervision of the commissioner. Nothing in this
22 chapter shall be construed as affecting the power and
23 duties of the trustees of the Massachusetts state col-
24 lege as set forth in chapter seventy-five.

1 *SECTION 5.* Said chapter fifteen is hereby further
2 amended by striking out section five, as amended by
3 section nine of chapter five hundred and ninety-six
4 of the acts of nineteen hundred and forty-one, and
5 inserting in place thereof the following: —

6 *Section 5.* Except as otherwise provided in this
7 chapter, the directors of divisions of the department
8 shall be appointed and may be removed by the board.
9 Except in the case of the teachers' retirement board,
10 the division of public libraries, the division of the
11 blind and institutions under the department, the

12 board may appoint such assistants as the work of
13 the department may require, may assign them to
14 divisions, transfer and remove them, but none of
15 such employees while employed in the department
16 shall have any direct or indirect pecuniary interest
17 in the publication or sale of any text or school book,
18 or article of school supply used in the public schools
19 of the commonwealth. For the compensation of such
20 assistants as it may employ, for conferences and con-
21 ventions of teachers held under the direction of the
22 department, and for traveling and other necessary
23 expenses incurred by the members and subordinates,
24 the department may be allowed such sums as may
25 be appropriated. The commissioner shall recom-
26 mend to the board directors of divisions and such
27 assistants as in his opinion the work of the depart-
28 ment may require, and, when in his opinion it is
29 necessary, their removal; and he shall recommend
30 to the board the assignment of assistants to divisions
31 or their transfer when, in his opinion, it is necessary.

1 SECTION 6. Said chapter fifteen is hereby further
2 amended by striking out section six, as appearing in
3 the Tercentenary Edition, and inserting in place
4 thereof the following:—

5 *Section 6.* The board, with the advice of the com-
6 missioner, may appoint and define the functions of a
7 state advisory council and local advisory councils in
8 connection with university extension and correspond-
9 ence courses, and, subject to section ten A of chapter
10 eight may rent suitable offices.

1 SECTION 7. Said chapter fifteen is hereby further
2 amended by striking out section six A, as most

3 recently amended by chapter five hundred and thirty-
4 one of the acts of nineteen hundred and forty-one,
5 and inserting in place thereof the following:—

6 *Section 6A.* The board and the commissioner,
7 and one person to be appointed by the governor, with
8 the advice and consent of the council, who shall
9 be a member of a local labor union or affiliated with
10 a national or international union, are hereby con-
11 stituted and designated as the state board for voca-
12 tional education, to co-operate with the office of
13 education, Department of the Interior, (1) in the
14 administration of the act of congress, approved
15 February twenty-third, nineteen hundred and seven-
16 teen, and any acts in amendment thereof and in
17 addition thereto, relating to vocational education in
18 agriculture, distributive occupations, household arts,
19 and trades and industries, and secure for the com-
20 monwealth the benefits thereof; (2) in the adminis-
21 tration of the act of congress, approved June second,
22 nineteen hundred and twenty, entitled "An Act to
23 provide for the promotion of vocational rehabilitation
24 of persons disabled in industry and otherwise and
25 their return to civil employment", and any acts in
26 amendment thereof and in addition thereto, and to
27 secure for the commonwealth the benefits thereof,
28 and to perform such other duties as may be imposed
29 upon it by law. The state board of vocational educa-
30 tion shall be furnished with suitable quarters in the
31 state house and may expend for salaries and other
32 necessary expenses such amount as shall be appro-
33 priated therefor by the general court, together with
34 any funds received by the state treasurer from the
35 federal government under any of said acts.

1 SECTION 8. Said chapter fifteen is hereby further
2 amended by striking out section six B, inserted by
3 section one of chapter six hundred and seventy-six
4 of the acts of nineteen hundred and forty-one, and
5 inserting in place thereof the following:—

6 *Section 6B.* The board shall appoint a supervisor
7 of guidance and placement and prescribe his duties.
8 He shall, under the commissioner, have general
9 supervision of the directors of occupational guidance
10 and placement appointed by towns pursuant to
11 section thirty-eight A or thirty-eight D of chapter
12 seventy-one. The commissioner shall recommend a
13 person for appointment to the office of supervisor
14 of guidance and placement whenever there is a
15 vacancy in such office.

1 SECTION 9. Chapter seventy-four of the General
2 Laws is hereby amended by striking out section
3 twenty, as appearing in the Tercentenary Edition,
4 and inserting in place thereof the following:—

5 *Section 20.* The state treasurer shall be custodian
6 of funds allotted to the commonwealth from appro-
7 priations made under the acts of congress mentioned
8 in section six A of chapter fifteen. The funds so
9 allotted from appropriations under the act of congress
10 mentioned in clause (2) of said section six A shall be
11 expended, without specific appropriation, under the
12 order or the approval of the state board for vocational
13 education.

1 SECTION 10. Said chapter seventy-four is hereby
2 further amended by striking out section twenty-one,
3 as amended by section ten of chapter four hundred

4 and forty-six of the acts of nineteen hundred and
5 thirty-eight, and inserting in place thereof the fol-
6 lowing:—

7 *Section 21.* Subject to the following section, the
8 funds received under said acts of congress mentioned
9 in clause (1) of section six A of chapter fifteen shall be
10 paid out, on requisition of the state board for voca-
11 tional education, as reimbursement for expenses al-
12 ready incurred, to approved schools and classes
13 entitled to receive them under said acts.

1 SECTION 11. Said chapter seventy-four is hereby
2 further amended by striking out section twenty-two,
3 as amended by section eleven of said chapter four
4 hundred and forty-six, and inserting in place thereof
5 the following:—

6 *Section 22.* The state board for vocational educa-
7 tion may use the funds received under said acts of
8 congress mentioned in clause (1) of section six A of
9 chapter fifteen as supplementary to state aid for
10 salaries of teachers of vocational subjects in schools
11 complying therewith. It may also use such funds
12 (1) for salaries of teachers giving types of training
13 selected by it as especially needing stimulus; or (2),
14 for courses for the preparation of teachers of voca-
15 tions selected by it; or (3), to arrange with schools
16 and colleges to give the proper types of training to
17 teachers of vocations under its supervision; or (4),
18 to enable local school authorities to conduct, under
19 its supervision, classes for the training of vocational
20 teachers; or (5), for travel as provided for under said
21 acts of congress. Such payments shall be subject to
22 conditions prescribed by said board.

1 SECTION 12. Section twenty-two A of said chapter
2 seventy-four, as amended by section twelve of said
3 chapter four hundred and forty-six, is hereby further
4 amended by inserting after the word "in" in the
5 fifth line the words: — clause (2) of, — so as to read
6 as follows: — *Section 22A.* The state board for vo-
7 cational education, established by section six A of
8 chapter fifteen, is hereby directed to co-operate with
9 the office of education, Department of the Interior,
10 in carrying out the provisions of the act of congress
11 mentioned in clause (2) of said section six A; to
12 establish and maintain, or to assist in establishing or
13 maintaining such courses of vocational training as it
14 may deem advisable and necessary for the vocational
15 rehabilitation of persons disabled in industry or
16 otherwise; to grant federal funds in its control, subject
17 to conditions prescribed by it, as money supplemen-
18 tary to state aid, in the maintenance of vocational
19 rehabilitation courses in schools or institutions sup-
20 ported wholly or in part by the commonwealth; to
21 establish and maintain under its supervision such
22 courses as it may deem advisable for the preparation
23 of instructors of vocational rehabilitation courses;
24 to appoint such agents and assistants as may be
25 necessary to administer the provisions of this section
26 and said act of congress in this commonwealth; to
27 fix the compensation of such agents and assistants
28 and to direct the disbursement and administer the
29 use of all funds provided by the federal government
30 and this commonwealth for the vocational rehabili-
31 tation of such persons, and in conjunction with the
32 department of industrial accidents to formulate a
33 plan of co-operation in accordance with the pro-

34 visions of said act of congress, such plan to become
35 effective when approved by the governor.

1 SECTION 13. Section two of chapter fifteen of the
2 General Laws, as appearing in the Tercentenary Edi-
3 tion, section three of said chapter fifteen, as amended
4 by chapter one hundred and thirty-eight of the acts
5 of nineteen hundred and forty-one, section nineteen
6 of chapter seventy-four of the General Laws, as
7 amended by section nine of chapter four hundred and
8 forty-six of the acts of nineteen hundred and thirty-
9 eight, and chapter six hundred and forty-six of the
10 acts of nineteen hundred and forty-one are hereby
11 repealed.

1 SECTION 14. Of the members of the board of
2 education first appointed under authority of this act,
3 one shall be appointed by the governor, with the advice
4 and consent of the council, for the term of one year,
5 one for the term of two years, one for the term of
6 three years, one for the term of four years, one for
7 the term of five years, one for the term of six years,
8 one for the term of seven years, one for the term of
9 eight years and one for the term of nine years, from
10 the first day of July in the current year.

11 The terms of the appointive members of the board
12 of collegiate authority existing under paragraph
13 three A of chapter fifteen of the General Laws shall
14 be terminated on the effective date of this act. Of
15 the members of said board first appointed under
16 authority of this act one shall be appointed by the
17 governor, with the advice and consent of the council,
18 for the term of one year, one for the term of two
19 years, one for the term of three years, and one for

20 the term of four years, from the first day of July in
21 the current year.

1 SECTION 15. Nothing in this act shall affect the
2 tenure of any employees of the department of edu-
3 cation or their retirement or other rights nor impair
4 their civil service status, if any.

