

# HOUSE . . . . No. 2372

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, June 7, 1948.

The committee on Ways and Means, to whom was referred the Bill to encourage the establishment of regional and consolidated public schools and to provide financial assistance to cities and towns in the construction of school buildings (House, No. 2181), report that the same ought to pass in the form of a new draft herewith submitted (House, No. 2372).

For the committee,

RAYMOND P. PALMER.

## The Commonwealth of Massachusetts

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

AN ACT TO ENCOURAGE THE ESTABLISHMENT OF REGIONAL AND CONSOLIDATED PUBLIC SCHOOLS AND TO PROVIDE FINANCIAL ASSISTANCE TO CITIES AND TOWNS IN THE CONSTRUCTION OF SCHOOL BUILDINGS.

*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. To promote the planning and con-  
2 struction of school buildings and the establishment of  
3 consolidated and regional schools, in order to insure  
4 safe and adequate plant facilities for the public schools,  
5 and to assist towns in meeting the cost thereof, there  
6 is hereby established in the department of education  
7 but not subject to its control, a temporary commis-  
8 sion, to be known as the school building assistance  
9 commission.

1 SECTION 2. Said commission shall consist of five  
2 members, residents of the commonwealth, who shall  
3 serve for the effective period of this act. Three of  
4 said members shall be appointed by the governor,  
5 with the advice and consent of the council, one of  
6 whom shall be designated, from time to time, as  
7 chairman by the governor. The remaining two mem-  
8 bers shall be appointed by the board of education.  
9 The action of a majority of the commission shall

10 constitute action by the commission; and, whenever  
11 any action is required to be in writing, such writing  
12 shall be sufficient when signed by a majority of the  
13 members. Each member of the commission shall be  
14 entitled to expenses actually and necessarily incurred  
15 by him in the performance of his duties. The com-  
16 mission shall be provided with suitable offices in the  
17 city of Boston.

1 SECTION 3. The commission shall, subject to ap-  
2 propriation, employ an administrator who shall be  
3 the executive officer of the commission and, subject to  
4 its supervision and control, shall administer the duties  
5 imposed upon the commission. The commission may,  
6 with the advice of the administrator, subject to  
7 appropriation, employ such assistants, experts, clerks  
8 and other employees as it may deem necessary to  
9 carry out the provisions of this chapter. Said admin-  
10 istrator and other employees of the commission shall  
11 not be subject to the provisions of chapter thirty-one  
12 of the General Laws.

1 SECTION 4. The powers and duties of the com-  
2 mission shall be, generally, to encourage and foster  
3 the establishment and building of consolidated and  
4 regional or union public schools in and among the  
5 cities and towns of the commonwealth, to conduct  
6 surveys and studies relative thereto, and to administer  
7 the provisions of this act relative to grants to cities  
8 and towns for the planning and construction of school  
9 buildings. The commission is hereby specifically au-  
10 thorized to make contracts for surveys or other tech-  
11 nical services within the scope of its duties, to provide  
12 legal, architectural or other technical advice and as-

13 sistance to cities and towns or to joint committees  
14 thereof in the planning and establishment of regional  
15 or consolidated schools, and to recommend to the  
16 general court such legislation as it may deem desirable  
17 or necessary to further the purposes of this act. The  
18 commission shall submit an annual report to the gov-  
19 ernor and the general court.

1 SECTION 5. For the purposes of this act, the fol-  
2 lowing phrases shall be defined as follows:—

3 “Regional school” shall mean any public school  
4 established under any provision of law by the action  
5 of two or more cities or towns.

6 “Consolidated school” shall mean any school con-  
7 structed or enlarged with the intent of eliminating one  
8 or more existing schools.

9 “Regional school building committee” shall mean  
10 any agency organized by two or more cities and towns  
11 under any provision of general or special law for the  
12 purpose of planning or constructing a regional school.

13 “Regional school district” shall mean any agency  
14 established for the purpose of operating a regional  
15 school.

16 “Approved school project” shall mean any project  
17 for the construction or enlargement of a schoolhouse,  
18 the contract or contracts for which shall have been  
19 awarded on or after January first, nineteen hundred  
20 and forty-six, by any city, town or regional school  
21 building committee, which has been approved by the  
22 commission for the purposes of sections seven through  
23 nine, inclusive.

24 “Net average membership” shall be as defined in  
25 section five of chapter seventy.

26 “The equalized valuation” shall be established by

27 the general court for the purpose of this act or, if no  
28 such valuation has been made, the last preceding  
29 valuation made for the purpose of apportioning the  
30 state tax.

31 “Equalized valuation per pupil” shall be the  
32 product of dividing the equalized valuation by the net  
33 average membership.

1 SECTION 6. Any city, town, or regional school  
2 building committee, may apply to the commission for  
3 reimbursement, in whole or in part, of any expenses  
4 incurred on or after January first, nineteen hundred  
5 and forty-six, in the preparation of preliminary studies,  
6 plans, drawings, and estimates for a consolidated or  
7 regional school. Such application shall be accom-  
8 panied by copies of such plans, drawings, and esti-  
9 mates, together with such additional information as  
10 the commission may require. The said commission  
11 may, if it is satisfied that the plans so submitted are  
12 satisfactory with respect to site, type, and adequacy  
13 of the proposed construction for an approved school  
14 project and in the best interests of the respective  
15 towns, and that the expenses so incurred are reason-  
16 able, certify to the comptroller for payment to such  
17 city, town, or regional committee such amount, not  
18 exceeding such expenses, as it may deem proper, and  
19 the treasurer shall forthwith make the payments so  
20 certified from any funds appropriated therefor.

1 SECTION 7. Any city, town, or regional school  
2 district may apply to the commission for a school  
3 construction grant to meet in part the cost of an  
4 approved school project or the service of any debt  
5 incurred therefor. Such application shall be made, in

6 the case of projects, the construction of which has  
7 been undertaken before the effective date of this act,  
8 within ninety days after such effective date, and in the  
9 case of all other projects, before construction has been  
10 undertaken. Such application shall be in the form pre-  
11 scribed by the commission, and shall be accompanied  
12 by such additional information, drawings, plans,  
13 estimates of cost, and proposals for defraying such  
14 cost, as the commission may require.

1 SECTION 8. Forthwith upon receipt of an applica-  
2 tion under the provisions of section seven, the com-  
3 mission shall examine such application and any facts,  
4 estimates or other information relative thereto, and  
5 shall determine whether the proposed construction is  
6 in the best interests of the city, town, or region, with  
7 respect to its site, type of construction, sufficiency of  
8 accommodations, and otherwise. If, in its opinion,  
9 such proposed construction should be undertaken, the  
10 commission shall determine the approved cost of such  
11 construction, which cost may be equal to the estimated  
12 cost furnished by such city, town, or district, or a  
13 lesser amount. For the purpose of determining the  
14 approved costs of school construction, the commis-  
15 sion shall, from time to time, by regulation, establish  
16 maximum unit costs of construction.

17 Within ninety days after receipt of such application  
18 the commission shall notify such city, town, or dis-  
19 trict, of its approval or rejection thereof, and, in the  
20 event of its rejection, of the reasons therefor. Notice  
21 of approval hereunder shall be accompanied by a  
22 statement of the approved cost as determined by the  
23 commission, and an estimate of the amount of school  
24 construction grant to which such city, town, or dis-

25 trict, may be entitled under the provisions of the  
26 following section.

1 SECTION 9. The commission shall, not later than  
2 July first of each year, certify to the comptroller, and  
3 the treasurer shall within thirty days thereafter pay  
4 to the several cities, towns, and districts, from any  
5 amounts appropriated therefor, the amounts due them  
6 in accordance with the following provisions: —

7 The total construction grant for any approved  
8 school project in any city or town shall be one fourth  
9 of the product of the approved cost of the project  
10 multiplied by the equalized valuation per pupil in  
11 net average membership for the entire common-  
12 wealth divided by the equalized valuation per pupil  
13 in net average membership of the city or town; pro-  
14 vided, however, that no grant shall be approved for  
15 an amount less than twenty per cent or more than  
16 fifty per cent of such approved cost.

17 The total construction grant for any approved  
18 school project in any regional school district shall be  
19 one third of the product of the approved cost of the  
20 project multiplied by the equalized valuation per  
21 pupil in net average membership for the entire com-  
22 monwealth divided by the total equalized valuation  
23 per pupil in the total net average membership of the  
24 towns comprising such district; provided, however,  
25 that no grant shall be approved for any amount less  
26 than twenty-five per cent or more than fifty-five per  
27 cent of such approved cost.

28 Such total construction grant, in the case of any  
29 project to be financed from the proceeds of any sale  
30 of bonds or notes to the extent of fifty per cent or less  
31 of the approved cost thereof, shall be paid in five equal

32 annual installments, beginning in the calendar year  
33 in which the construction of such project has been  
34 commenced.

35 Such total construction grant, in the case of all  
36 other projects, shall be paid in equal annual parts to  
37 be determined by dividing such total grant by the  
38 number of years during which any indebtedness in-  
39 curred therefor shall remain outstanding. Such annual  
40 payments shall begin in the calendar year in which  
41 the first payment of principal and interest on account  
42 of such indebtedness shall become due and payable,  
43 or in nineteen hundred and forty-nine, whichever is  
44 later.

1 SECTION 10. Sections one to nine of this act shall  
2 take effect on July first of the current year, and shall  
3 cease to be operative on June thirtieth, nineteen  
4 hundred and fifty-one, except that the payments  
5 provided by section nine shall be continued thereafter  
6 by the treasurer, subject to appropriation, in ac-  
7 cordance with the provisions of said section, on  
8 certification of the commissioner of education.

1 SECTION 11. Chapter seventy of the General Laws  
2 is hereby amended in section one by adding at the  
3 end thereof the following new sentence: — The state  
4 treasurer shall include in such distribution any sums  
5 due to the several towns on account of construction  
6 of an approved school project.