

HOUSE No. 1298

By Mr. Whitmore of Newton, petition of Charles Jackson, Jr., that a union high school district be authorized by the towns of Dover and Sherborn and relative to the support and management of such district. Education.

The Commonwealth of Massachusetts

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

AN ACT TO AUTHORIZE THE TOWNS OF DOVER AND SHERBORN TO ESTABLISH A UNION HIGH SCHOOL DISTRICT.

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. The towns of Dover and Sherborn
2 may, within three years from the effective date of
3 this act, establish a union high school district by
4 entering into an agreement as provided in section six.

1 SECTION 2. The union high school district shall
2 be a body corporate, and shall have power: —

3 (a) To adopt a name and a corporate seal;

4 (b) To sue and be sued, but only to the same extent
5 and upon the same conditions that a town may sue
6 or be sued;

7 (c) To contract with either town belonging to the
8 district for the use of and to use part or all of any
9 buildings or other real or personal estate within such
10 town for the purposes of a union high school;

11 (d) To acquire real property within the towns
12 comprising the district by eminent domain, purchase,
13 lease or otherwise for purposes of a union high school;

14 (e) To receive grants or gifts of property, real or
15 personal, for purposes of a union high school, from
16 any unit or agency of government, state, federal or
17 municipal, or from any private person or organization;

18 (f) To purchase, hold and use personal property
19 for purposes of a union high school;

20 (g) To sell or exchange any property, real or
21 personal, determined by the union school committee
22 not to be needed for purposes of the union high
23 school;

24 (h) To borrow money in anticipation of receipt
25 of revenues and to issue notes maturing within one
26 year from the date of issue in the name and upon the
27 full faith and credit of said district in an amount
28 not to exceed (a) one hundred thousand dollars
29 during the first calendar year of operation of the
30 district, or (b) in any subsequent calendar year, the
31 aggregate amount of the operating and maintenance
32 budget for the district adopted for the next preceding
33 year, the proceeds of such borrowings to be used by
34 said district in operating and maintaining the union
35 high school; and

36 (i) To accept the provisions of sections one through
37 twenty-eight of chapter thirty-two of the General
38 Laws, providing for membership for non-teaching
39 employees of the district in the county retirement
40 system of the county of Norfolk, subject in all respects
41 to the provisions of said chapter.

1 SECTION 3. The affairs of said district shall be
2 administered and all its powers exercised by and

3 through a union high school committee to be com-
4 posed of at least five persons including at least one
5 member of the town school committee of each of the
6 towns of Dover and Sherborn. The union committee
7 shall elect a chairman annually. It shall also elect
8 annually a secretary and a treasurer who may be
9 the same person but who need not be a member of
10 such committee. The treasurer shall deposit with
11 the union committee a bond running to the district
12 with a surety company authorized to transact business
13 within the commonwealth as surety, for the faithful
14 performance of his duties in such form and amount
15 and upon such conditions as the union committee
16 may require. Subject to the terms of the agreement
17 provided in section six the union committee may
18 from time to time adopt rules for the conduct of its
19 meetings and the exercise of the several powers
20 granted by section two to the district provided that
21 no money may be borrowed on behalf of the district
22 unless authorized by vote of at least two thirds of
23 the members of the union committee.

1 SECTION 4. The union committee shall, with
2 respect to the union high school, have all the powers
3 and duties conferred upon town school committees
4 by the General Laws. The union committee shall,
5 subject to the terms of the agreement provided by
6 section six, equip, organize and operate a union high
7 school for the benefit of the towns of Dover and
8 Sherborn and shall make necessary contracts in
9 relation thereto. Subject to the terms of the agree-
10 ment provided by section six, the union committee
11 shall have the power to prescribe the terms and con-
12 ditions upon which facilities belonging to or under

13 the control of the union district may be used by
14 residents of the towns of Dover and Sherborn. The
15 union school committee shall also have power, with
16 the approval of the commissioner of education, to
17 maintain evening schools or classes for the benefit
18 of the residents of the towns of Dover and Sherborn.
19 The union school committee shall have power to
20 employ a superintendent who shall have all the
21 duties imposed upon school superintendents by the
22 General Laws. The union committee shall have
23 power to cause the district to enter a superintendency
24 union formed pursuant to sections sixty-one through
25 sixty-six of chapter seventy-one of the General Laws
26 of which the towns of Dover and Sherborn may also
27 be members, and for the purposes of such sections
28 the district shall be deemed to be a town.

1 SECTION 5. No pupil from the town of Dover or
2 Sherborn shall, at the expense of such town, attend
3 any high school other than such union high school
4 except with the approval of the union high school
5 committee.

1 SECTION 6. In order to establish a union high
2 school district, the towns of Dover and Sherborn
3 shall enter into an agreement accepting the provisions
4 of this act and providing:—

5 (a) The method of apportioning the expenses of
6 the union high school district (including any interest
7 and retirement of principal of any notes or other
8 obligations issued by the district) between the towns
9 of Dover and Sherborn, after taking into account
10 the extent to which any buildings or other facilities
11 have been or are to be made available by either town
12 for the use of the district, and the time and manner

13 of payment of the shares of the two towns of any such
14 expenses;

15 (b) The number and composition (subject to
16 section three) of the union high school committee
17 and the terms of office of the members thereof;

18 (c) The manner in which transportation for the
19 pupils is to be provided and the expenses thereof
20 to be borne by the two towns; and

21 (d) The procedure for preparation and for adoption
22 not later than December fifteenth of each year of an
23 operating and maintenance budget for the ensuing
24 fiscal year (which shall be the calendar year), with
25 provision for adequate notice thereof and public
26 hearing thereon at least fourteen days prior to such
27 adoption.

28 Such agreement may also provide for use by resi-
29 dents of the two towns of any of the facilities of the
30 district, and may contain any other provisions which
31 the parties may agree upon; provided, that nothing
32 therein shall be contrary to the provisions of this
33 act or of the General Laws. The union district shall
34 be established, and such agreement shall become
35 effective when the agreement has been approved by
36 the commissioner of education and by the two towns
37 by vote of a town meeting duly called and held for
38 the purpose. Such agreement may from time to
39 time be amended by agreement of the parties ap-
40 proved in like manner, but no reduction in the obliga-
41 tions of the two towns to contribute to the debt
42 service of the district shall be made so long as any
43 of the note obligations of the district remain un-
44 discharged.

1 SECTION 7. The towns of Dover and Sherborn
2 shall each appropriate and pay to the treasurer of

3 said district at the times specified in the agreement
4 contemplated by section six, their respective shares
5 of the expenses of said district determined by the
6 union high school committee on the basis set forth
7 in said agreement. In case any such town fails to
8 pay over to the treasurer of said district the amount
9 of its share within the time specified in said agree-
10 ment for such payment, the treasurer of such town
11 shall forthwith certify such amount to the board of
12 assessors of such town, who shall include such amount
13 in the tax levy next following the certification and
14 the amount when raised shall be paid over by the
15 treasurer of such town to the treasurer of said district.

1 SECTION 8. No indebtedness incurred by said
2 district shall reduce the amount of indebtedness
3 which either of the two towns might otherwise law-
4 fully incur.

1 SECTION 9. Notes and other evidences of indebted-
2 ness issued on behalf of the district shall be in the
3 form and executed in the manner provided in, and
4 may be sold in the manner authorized in, chapter
5 forty-four of the General Laws with respect to fire
6 districts, and for the purpose of this section the union
7 committee shall have all the powers of a prudential
8 committee of a fire district.

1 SECTION 10. Except to the extent that reimburse-
2 ment is made directly to the union high school dis-
3 trict pursuant to section eleven, the towns of Dover
4 and Sherborn shall each continue to receive state
5 aid for educational purposes in the amount to which
6 it would be entitled if such district had not been
7 formed. For the purposes of this section (a) pupils

8 resident in the towns of Dover or Sherborn who
9 attend the union high school shall be deemed to be
10 pupils attending a high school in such town, and
11 (b) the proportion of teachers in the union high
12 school which the net average membership of the
13 pupils in such town who attend the union high school
14 during any period bear to the net average member-
15 ship of pupils of the two towns during such period
16 shall be deemed to be teachers in a high school in
17 such town.

1 SECTION 11. The union high school district shall
2 be reimbursed annually by the State Treasurer under
3 section seven A of chapter seventy-one of the General
4 Laws in the same manner and degree as towns for
5 expenses incurred by the district in transporting
6 pupils; provided, that in computing the amount of
7 state aid due to the towns of Dover or Sherborn the
8 commissioner of education shall deduct from the
9 net average membership of pupils in the schools of
10 such town the number of pupils attending the union
11 high school on whose account reimbursement is
12 made directly to the district.

1 SECTION 12. The accounts of the union high
2 school district shall be audited annually by the director
3 of the division of accounts of the department of
4 corporations and taxation, and, for this purpose,
5 he and his duly accredited agents shall have access
6 to all necessary books, papers and records. Upon
7 completion of such audit, copies of the report thereof
8 shall be sent to the treasurer of said district and to
9 the school committee and to the town clerk of the
10 towns of Dover and Sherborn and to the department
11 of education.

