

SENATE No. 212

To accompany the petition of Mason Sears, Charles B. Rugg and Harris S. Richardson that provision be made for the transportation of pupils to and from certain schools. Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty.

AN ACT PROVIDING FOR THE TRANSPORTATION OF PUPILS TO AND FROM CERTAIN SCHOOLS.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose; which in part is to make
3 the privileges provided thereby, in relation to the
4 transportation of school pupils, effective without de-
5 lay, therefore this act is hereby declared to be an
6 emergency law necessary for the immediate preserva-
7 tion of the public health, safety and convenience.

*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 first paragraph of section 1 of
2 chapter 76 of the General Laws, as amended by chap-
3 ter 423 of the acts of 1941, is hereby further amended
4 by adding after the word "teaching" in the last sen-
5 tence the following:—, and, in order to preserve
6 health, safety and convenience, cities and towns may
7 appropriate money for conveying pupils to and from

8 schools approved under this section. Furthermore,
9 such transportation privileges as may be authorized
10 for pupils under the provisions of clause (2) of section
11 five of chapter forty shall not be denied any pupil who
12 in the exercise of his religious faith and the fulfillment
13 of the compulsory attendance requirements of this
14 section is enrolled in a parochial school, — so as to
15 read as follows:— *Section 1.* Every child between
16 seven and sixteen, except a child between fourteen and
17 sixteen who meets the requirements for the completion
18 of the sixth grade of the public schools of the town
19 where he resides and who holds a permit for employ-
20 ment in private domestic service or service on a farm,
21 under section eighty-six of chapter one hundred and
22 forty-nine, and is regularly employed thereunder for
23 at least six hours per day, or a child between fourteen
24 and sixteen who meets said requirements in the town
25 where he resides and has the written permission of the
26 superintendent of schools of said town to engage in
27 non-wage-earning employment at home, or a child
28 over fourteen who holds a permit for employment in a
29 co-operating employment, as provided in said section
30 eighty-six, shall, subject to section fifteen, attend a
31 public day school in said town, or some other day
32 school approved by the school committee, during the
33 entire time the public schools are in session, unless the
34 child attends school in another town, during the entire
35 time the same is in session, under sections six to twelve,
36 inclusive; but such attendance shall not be required
37 of a child whose physical or mental condition is such
38 as to render attendance inexpedient or impracticable
39 or of a child granted an employment permit by the
40 superintendent of schools when such superintendent
41 determines that the welfare of such child will be better

42 served through the granting of such permit, or of a
43 child who is being otherwise instructed in a manner
44 approved in advance by the superintendent or the
45 school committee. The superintendent of schools
46 may transfer to any specialized type of school on a
47 full-time basis any child who possesses the educational
48 qualifications enumerated in this section and in the
49 opinion of the superintendent would be benefited by
50 such transfer. The superintendent, or teachers in so
51 far as authorized by him or by the school committee,
52 may excuse cases of necessary absence for other
53 causes not exceeding seven day sessions or fourteen
54 half day sessions in any period of six months. Ab-
55 sences may also be permitted for religious education
56 at such times as the school committee may establish;
57 provided, that no public funds shall be appropriated
58 or expended for such education or for transportation
59 incidental thereto; and provided, further, that such
60 time shall be no more than one hour each week. For
61 the purposes of this section, school committees shall
62 approve a private school only when the instruction in
63 all the studies required by law is in English, and when
64 satisfied that such instruction equals in thoroughness
65 and efficiency, and in the progress made therein, that
66 in the public schools in the same town; but they shall
67 not withhold such approval on account of religious
68 teaching, and, in order to preserve health, safety and
69 convenience, cities and towns may appropriate money
70 for conveying pupils to and from schools approved
71 under this section. Furthermore, such transportation
72 privileges as may be authorized for pupils under the
73 provisions of clause (2) of section five of chapter forty
74 shall not be denied any pupil who in the exercise of
75 his religious faith and the fulfillment of the compulsory

76 attendance requirements of this section is enrolled in
77 a parochial school.

1 SECTION 2. Section 5 of chapter 40 of the General
2 Laws, as amended, is hereby further amended by
3 striking out clause (2), as amended, and inserting in
4 place thereof the following clause: —

5 (2) For the support of public schools authorized or
6 required by law, and for conveying pupils to and from
7 the public and private schools, or, if it maintains no
8 high school or public school of corresponding grade,
9 but affords high school instruction by sending pupils
10 to other towns, for the necessary transportation ex-
11 penses of such pupils, the same to be expended by the
12 school committee in its discretion.