

Accompanying the first recommendation of the Department of Education (House, No. 151). Education. Dec. 6, 1923.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty-Four.

An Act defining the Powers and Duties of School Committees and the Duties of Superintendents of Schools.

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 seventy-one of the General
2 Laws is hereby amended by striking out section
3 thirty-seven and inserting in place thereof the fol-
4 lowing:—

5 *Section 37.* It shall have general charge of all
6 the public schools, including evening schools and
7 evening high schools, and of vocational schools and
8 departments, when not otherwise provided for.

9 *Section 37A.* The school committee of each city
10 and town except Boston shall, in addition to any
11 other powers and duties provided by law, have the
12 following powers and duties:

13 (1) It shall have control and supervision of the
14 public schools, including the full custody and care
15 of all public school property, and shall keep such
16 property in good order.

17 (2) It shall meet regularly at least once a month
18 during the school year, and, upon due notice, at
19 such other times as may be necessary.

20 (3) It shall, after receiving nominations and rec-
21 ommendations from the superintendent of schools,
22 elect the teachers, janitors, attendance officers, and
23 all other employees of the school department, fix
24 their duties and determine their salaries. In case
25 an employee nominated by the superintendent of
26 schools is not elected, it shall be the duty of the
27 superintendent to make further nominations.

28 (4) It shall pass upon courses of study and text-
29 books, recommended by the superintendent of
30 schools, but no textbook which has been introduced
31 shall be changed without a two thirds vote of the
32 committee, notice of such intended change having
33 been given at the previous meeting.

34 (5) It shall pass upon transportation routes and
35 the discontinuance of the use of any school.

36 (6) In towns it shall select sites for new school
37 buildings, provided, that a town may in town meet-
38 ing call upon the school committee for a report on
39 available sites, together with the committee's rec-
40 ommendations thereon, and after consideration
41 thereof, the said town may select sites for new
42 school buildings. In the case of the erection of a
43 new school building or the remodeling of an exist-
44 ing school building, a town may in town meeting
45 vote to place the planning and construction of such
46 new building or such remodeling under the charge
47 of a special building committee. Not less than one
48 third of the membership of such building commit-
49 tee shall consist of members of the school commit-
50 tee, to be chosen in such manner as the town meet-
51 ing shall provide. In cities, unless the city charter
52 otherwise provides, not less than one third of the
53 membership of a building committee shall consist of

54 members of the school committee chosen by the
55 school committee. The supervisor of buildings in
56 a town or city employing such an official may be
57 appointed by the building committee as its agent in
58 supervising the actual construction. No new
59 school building shall be erected or old school build-
60 ing remodeled in a town or city until the plans have
61 been approved by the school committee as to their
62 fitness and suitability.

63 (7) It shall require the superintendent of schools
64 to prepare an annual report regarding the condi-
65 tion of the public schools, with recommendations as
66 to their improvement, together with a classified
67 statement of all receipts and expenditures of the
68 school department, and an estimate of the funds
69 needed during the ensuing year to maintain the
70 schools effectively. It shall incorporate this report,
71 in whole or in part, as it deems advisable, in its
72 own report, and submit the same to the town at
73 least five days before the date of the annual town
74 meeting.

75 (8) It shall determine, subject to this chapter, the
76 number of weeks of the school year and the hours
77 and sessions of the public day, evening, and vaca-
78 tion schools, and establish rates of tuition for
79 non-resident pupils.

1 SECTION 2. Said chapter seventy-one is further
2 amended by striking out section fifty-nine and in-
3 serting in place thereof the following:—

4 *Section 59.* The school committee of a town not
5 in a superintendency union or district shall employ
6 a superintendent of schools and fix his compensa-
7 tion.

- 8 *Section 59A.* The superintendent of schools of
9 each city and town except Boston shall act as the
10 executive officer of the school committee and under
11 its general direction perform the following duties:
- 12 (1) Visit the schools for the purpose of improv-
13 ing the instruction offered therein, and conduct pro-
14 fessional meetings and conferences for the teachers
15 of the public schools.
- 16 (2) Direct the work of all employees of the school
17 department and make recommendations to the
18 school committee regarding their duties, salaries,
19 election and dismissal.
- 20 (3) Inspect all public school buildings and prop-
21 erties of the school department; report to the school
22 committee regarding their care, cleanliness, and
23 sanitary condition; and make recommendations to
24 the committee relative to their repair and improve-
25 ment.
- 26 (4) Recommend to the school committee courses
27 of study and textbooks to be used in the public
28 schools.
- 29 (5) Have general control of the grading, promo-
30 tion and discipline of the pupils; and report to the
31 school committee, with recommendations, any cases
32 of discipline that call for special action by the com-
33 mittee.
- 34 (6) Attend the meetings of the school committee,
35 except during such time as the committee is consid-
36 ering his salary, election, or tenure, and have a
37 voice on all questions before the committee, but
38 shall not have a vote.
- 39 (7) Have a permanent record of all votes, orders,
40 and proceedings of the school committee; may pur-
41 chase textbooks, supplies, and materials, after au-

42 thorization by vote of the committee; be its agent
43 in keeping the financial records and accounts; and
44 certify to the correctness of all bills; but no bill
45 shall be allowed for payment by the municipal of-
46 ficers of the town until it has been approved by
47 vote of the committee and indorsed by its chairman,
48 or some other member delegated by him for that
49 purpose.

50 (8) Have a classified account of all school expen-
51 ditures and funds available, and submit a state-
52 ment thereof in writing to the school committee at
53 least once in every two months.

54 (9) When authorized by the school committee,
55 attend education meetings and visit schools in other
56 cities and towns; and the committee may authorize
57 for these purposes the payment of necessary ex-
58 penses.

59 (10) Discharge any other duties in connection
60 with the administration of the public schools as-
61 signed to him by the school committee, or required
62 by law.

1 SECTION 3. Said chapter seventy-one is hereby
2 further amended by striking out section thirty-eight
3 and inserting in place thereof the following:—

4 *Section 38.* It shall contract with the teachers
5 of the public schools, shall require full and satis-
6 factory evidence of their moral character, and shall
7 ascertain their qualifications for teaching and their
8 capacity for the government of schools.

1 SECTION 4. Chapter seventy-one is hereby fur-
2 ther amended by striking out section sixty-eight
3 and inserting in place thereof the following:—

4 *Section 68.* Every town shall provide and main-

5 tain a sufficient number of schoolhouses, properly
6 furnished and conveniently situated for the accom-
7 modation of all children therein entitled to attend
8 the public schools. If the distance between a child's
9 residence and the school he is entitled to attend ex-
10 ceeds two miles, and the school committee declines
11 to furnish transportation, the department, upon ap-
12 peal of the parent or guardian of the child, may re-
13 quire the town to furnish the same for a part or for
14 all of the distance. If said distance exceeds three
15 miles, and the distance between the child's resi-
16 dence and a school in an adjoining town giving sub-
17 stantially equivalent instruction is less than three
18 miles, and the school committee declines to pay for
19 tuition in such nearer school, and for transporta-
20 tion in case the distance thereto exceeds two miles,
21 the department, upon like appeal, may require the
22 town of residence to pay for tuition in, and if neces-
23 sary provide for transportation for a part or for
24 the whole of said distance to, such nearer school.
25 The school committee shall at the expense of the
26 town, procure a suitable place for the schools, if
27 there is no schoolhouse, and provide fuel and all
28 other things necessary for the comfort of the pupils.

1 SECTION 5. Section fifty of said chapter seventy-
2 one is hereby repealed.