
By Mr. Kevin B. Harrington, a petition of Kevin B. Harrington, Mary L. Fonseca, James A. O'Brien, Jr., and John J. Long for legislation to authorize the Commonwealth to purchase certain educational services from certain schools in the Commonwealth. Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT AUTHORIZING THE COMMONWEALTH TO PURCHASE CERTAIN EDUCATIONAL SERVICES FROM CERTAIN SCHOOLS IN THE COMMONWEALTH.

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 commonwealth acting through the depart-
2 ment of education is hereby authorized to contract with and
3 to purchase secular educational services from non-public
4 schools or non-public school systems pursuant to contract, and
5 to pay for such services the costs thereof. Said services shall
6 include teachers' salaries, text books and instructional ma-
7 terials. The cost of construction or maintenance of a non-
8 public school building shall not be included in determining the
9 costs of said services.

1 SECTION 2. In purchasing secular educational services from
2 a non-public school or non-public school system, the common-
3 wealth shall have given approval of the text books and other
4 instructional materials used therein, and the cost of said text
5 books and instructional materials shall be an element of the
6 purchase price.

7 The department of education shall exercise certain con-
8 trol over any non-public school or non-public school system
9 from which it purchases or contracts to purchase educational
10 services, to wit: the department shall inspect such school or
11 system, may review the programs offered therein, may re-
12 quire teacher certification and standardized testing.

13 The department may also exercise such control over ac-
14 counting, audit and other features of such non-public school
15 or non-public school system as will insure that, in purchasing
16 educational services therefrom, the commonwealth pays not
17 more than the ordinary and reasonable compensation for the
18 educational services actually rendered or furnished by such
19 non-public school or non-public school system. All payments
20 made by the commonwealth shall be made only after the
21 educational services have been rendered, and the department
22 of education has been satisfied that all requisites for payment
23 have been made by such school or school system, and so
24 certifies to the comptroller.

1 SECTION 3. The department of education, acting on behalf
2 of the commonwealth, shall not purchase any secular educa-
3 tional services from any non-public school or non-public school
4 system which discriminates on account of race.

1 SECTION 4. The department of education shall establish
2 such rules and regulations as may be necessary for the proper
3 administration of this act.

1 SECTION 5. As used in this act the following words shall
2 have the following meanings: —

3 “Non-public schools”, schools in which the provisions of
4 the compulsory attendance law are met; “Non-public school
5 systems”, groupings, whether incorporated or not, of non-
6 public schools under a common administration; “Secular edu-
7 cational service”, instruction in subjects found in the public
8 school curriculum, but excluding all religious indoctrination
9 or orientation of any sort.

1 SECTION 6. The department of education may for the pur-
2 chase of services under this act expend such sums not in ex-
3 cess of ten million dollars as may be appropriated from the
4 General Fund. No money contained in the public school fund
5 shall be used for any payment under this act or for any ex-
6 penses of the department incurred in the administration of
7 this act.