HOUSE . . . . . No. 75

Accompanying the second recommendation of the Department of Education (House, No. 73). Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Five.

AN ACT INCREASING AID FOR SCHOOL CONSTRUCTION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 645 of the Acts of 1948, as most recently amended by Chapter 613 of the Acts of 1982, is hereby amended by striking section seven and inserting in place thereof the following section: —

Section 7. Any city, town, regional school district or county may apply to the commission for a school construction grant to meet in part the cost of an approved school project. Such cost shall include the entire interest paid or payable by such city, town, or county and the entire interest paid or payable by such regional school district on any bonds or notes issued to finance such project. Such costs shall also include all costs and legal fees to enforce rights on any contracts for the construction of an approved school project. Such application shall be made, in the case of projects, the construction of which has been undertaken before the effective date of this act, within ninety days after such effective date, and in the case of all other projects, before construction has been undertaken. Such application shall be in the form prescribed by the Commission, and shall be accompanied by such additional information, drawings, plans, estimates of cost, and proposals for defraying such costs, as the commission may require.

SECTION 2. Section 9 of chapter 645 of the acts of 1948 as most recently amended by chapter 613 of the acts of 1982, is hereby

3 amended by striking subsections (a), (b) and (c), and inserting in
4 place thereof the following subsections: —
5 (a) The total construction grant for any approved school proj-
6 ect in any country shall be ninety percent of the final approved
7 cost of such project multiplied by a percentage, which shall be the
8 proportion, to the nearest tenth of one percent, which the most
9 recent equalized valuation per school attending child for the entire
10 commonwealth bears to the most recent equalized valuation per
11 school attending child of the city or town; provided, however, that
12 the portion of said total construction grant which is for interest, as
13 provided in section seven, shall be sixty-five percent of that part of
14 such approved cost which consists of said interest, and that the
15 remainder of said total construction grant shall be ninety percent
16 of the remainder of such approved costs excluding said interest.
17 (b) The total construction grant for any approved school pro-
18 ject in a regional school district which includes grades kinder-
19 garten through twelve shall be sixty percent of the product of the
20 final approved cost of the project multiplied by a percentage,
21 which shall be the proportion, to the nearest tenth of one percent,
22 which the most recent equalized valuation per school attending
23 child for the entire commonwealth bears to the most recent total
24 equalized valuation per school attending child of the towns com-
25 prising such district; provided, however, that the construction
26 grant shall be for ninety percent of such approved cost and pro-
27 vided, further, that the portion of said total construction grant
28 which is for interest, as provided in section seven, shall be seventy-
29 five percent of that part of such approved cost which consists of
30 said interest. The total construction grant for any approved school
31 project in a regional school district which does not include grades
32 kindergarten through twelve shall be sixty percent of the final
33 approved cost of such project multiplied by a percentage, which
34 shall be the proportion, to the nearest tenth of one percent, which
35 the most recent equalized valuation per school attending child for
36 the entire commonwealth bears to the most recent total equalized
37 valuation per school attending child of the towns comprising such
38 district; provided, however, that the construction grant shall be for
39 ninety percent of such approved cost and provided, further, that
40 the portion of said total construction grant which is for interest, as
41 provided in section seven, shall be in an amount not less than

42 sixty-five percent nor more than seventy-five percent of that part
43 of such approved cost which consists of said interest.
44 (c) The total construction grant for any approved school pro-
45 ject in any county shall be ninety percent of the final approved
46 construction cost of such project and sixty-five percent of the
47 entire interest cost.

1 SECTION 3. Said section 9 of said chapter 645 of the acts of
2 1948, as amended by chapter 613 of the acts of 1983, is hereby
3 further amended by striking the ninth and tenth paragraphs and
4 inserting in place thereof the following paragraphs: —
5 Notwithstanding the provisions of this section and this act to the
6 contrary the total construction grant for any approved school
7 project for a district classified as a growth district which is
8 approved or submitted after December thirty-first, nineteen
9 hundred and eighty-two shall be sixty percent of the product of the
10 final approved cost of the project multiplied by a percentage,
11 which shall be the proportion, to the nearest tenth of one percent,
12 which the most recent equalized valuation per school attending
13 child for the entire commonwealth bears to the most recent total
14 equalized valuation per school attending child of the towns com-
15 prising such district; provided, however, that the construction
16 grant shall be for ninety percent of such approved cost and pro-
17 vided, further, that the portion of said total construction grant
18 which is for interest, as provided in section seven, shall be in an
19 amount not less than sixty-five percent nor more than seventy-five
20 percent of that part of such approved cost which consists of said
21 interest. In order for a district to be classified as a growth district
22 the board by a written finding shall determine that the district
23 conforms to the following criteria: —
24 (1) The actual increase in school attending children in the dis-
25 trict has been more than five percent over the past five years;
26 (2) The projected increase in enrollment for the next five years
27 will be five percent or more; and
28 (3) Such projected increase in enrollment for the next five years
29 is greater than the state-wide projection. For the purposes of this
30 paragraph district shall mean any city, town or regional school
31 district within the commonwealth.
32 Notwithstanding any provisions of this section and this act to

33 the contrary the total construction grant for any school project for
34 which there is an agreement between the city, town, or regional
35 school district constructing the school project and any department
36 within the executive office of human services for the ongoing use of
37 such project by the residents of an institution under said depart-
38 ment shall be seventy-five percent of the interest cost and ninety
39 percent of construction costs of such project; provided, however,
40 that any such agreement shall be approved by the secretary of
41 administration and finance, and the house and senate committees
42 on ways and means.

1 SECTION 4. Section 1I of Chapter 15 of the General Laws as
2 most recently amended by chapter 708 of the acts of 1981, is hereby
3 amended by striking the third paragraph and inserting in place
4 thereof the following paragraph: —
5 The board shall, notwithstanding any contrary provision of
6 chapter six hundred forty-five of the acts of nineteen hundred and
7 forty-eight, as amended, approve grants for schoolhouse construc-
8 tion of ninety percent of the approved costs whenever the board is
9 satisfied that the acquisition, construction, enlargement, renova-
10 tion, reconstruction, rehabilitation, or modernization of a school-
11 house is for the purpose of reducing or eliminating racial imbal-
12 ance as provided by said section thirty-seven D or imbalance of
13 minority students, as defined in regulations promulgated under
14 the federal Emergency School Aid Act, Title VII of Public Law
15 92-318, as amended; and the commonwealth shall, subject to
16 appropriation and upon the approval of the board, pay to a city,
17 town, or regional district school committee ninety percent of the
18 cost of other measures, except transportation as hereinafter
19 provided of pupils, employed by a school committee thereof or
20 such regional district school committee to provide places for pupils
21 for the purpose of reducing or eliminating racial imbalance as
22 provided by said section thirty-seven D or imbalance of minority
23 students, as defined in regulations promulgated under the federal
24 Emergency School Aid Act, Title VII of Public Law 92-318, as
25 amended.

1 SECTION 5. Section 8A of Chapter 645 of the Acts of 1948, as
2 amended by Section 1 of Chapter 511 of the Acts of 1976, is further

3 amended by adding at the end of the first paragraph the follow-
4 ing: —
5 In the name of a project approved on the basis of unequal annual
6 payments as provided in Section 9 of this act or by other legislation
7 of similar intent, the arithmetic average of the estimated annual
8 payments for that project may be the amount included in the said
9 aggregate of first annual payments. The unused portion of the prior
10 year authorization shall be available for the use in the next follow-
11 ing fiscal year. Projects approved under provisions of individual
12 special legislation shall not be subject to the limitations of this
13 authorization.