

By Mr. Roosevelt of Boston, petition of Mark Roosevelt and Thomas F. Birmingham (with the approval of the mayor and city council) relative to the reorganization of the school department of the city of Boston. Education, Arts and Humanities.

The Commonwealth of Massachusetts

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

AN ACT REORGANIZING THE SCHOOL COMMITTEE OF THE CITY OF BOSTON.

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. Notwithstanding the provisions of chapter 605 of
2 the acts of 1982, as amended by chapter 343 of the acts of 1986,
3 chapter 452 of the acts of 1948, as amended by chapter 376 of
4 the acts of 1951 and as further amended by chapter 190 of the
5 acts of 1952, and further notwithstanding sections one hundred
6 and twenty-eight to one hundred and thirty-four, inclusive, of
7 chapter forty-three of the General Laws or any other general or
8 special law to the contrary, the school committee of the city of
9 Boston as presently constituted is hereby abolished as of the date
10 of expiration of the terms of the incumbent members thereof and
11 no election for school committee shall be held in 1991 or
12 thereafter.

1 SECTION 2. Subject only to the provisions of this act, the
2 school committee of the city of Boston shall consist of seven
3 appointed members. The mayor of Boston shall have the power
4 to appoint the seven members of the school committee subject to
5 the provisions governing the nominating panel as set forth in this
6 act. The members of the school committee shall at all times during
7 their terms of office be Boston residents. The mayor shall strive
8 to appoint individuals who reflect the ethnic, racial and
9 socioeconomic diversity of the city of Boston and its public school
10 population.

1 SECTION 3. All existing powers and duties hitherto exercised
2 by the Boston school committee, including the powers and duties
3 set forth in chapter 613 of the acts of 1987, shall henceforth be
4 exercised by the seven member appointed school committee.

1 SECTION 4. The term of office of the members of the school
2 committee shall be four years and shall commence on the first day
3 of the municipal year; provided, however, that of the members
4 initially appointed one shall be appointed for a term of one year,
5 two shall be appointed for a term of two years, two shall be
6 appointed for a term of three years, and two shall be appointed
7 for a term of four years. Upon the appointment of all seven
8 members by the mayor, the city clerk shall administer the oath
9 to office to the school committee and they shall subscribe in the
10 book kept by the city clerk in accordance with the provisions of
11 St. 1948, c. 452, s. 11A, as amended by St. 1943, c. 342, s. 1. The
12 office of each member shall expire upon the expiration of the term
13 of said member and shall become vacant. Any member whose term
14 of office shall expire may be considered for reappointment, but
15 only if renominated by the nominating panel. A president of the
16 school committee shall be elected annually by its members at the
17 first meeting in each municipal year.

1 SECTION 5. Notwithstanding any special or general law to
2 the contrary, the members of the school committee appointed
3 pursuant to this act shall not have the authority to hire personal
4 staff; provided, however, that a paid administrative assistant may
5 be appointed by the president of the school committee.

1 SECTION 6. There shall be in the city of Boston a nominating
2 panel composed of thirteen members whose sole function shall
3 be to nominate persons for consideration by the mayor for
4 appointment to the school committee. Representation on the
5 panel and the selection of said members shall be as follows:

6 (a) Four parents of children in the Boston public school system
7 as follows: (i) one parent who shall be selected by the citywide
8 parents council; (ii) one parent who shall be selected by the
9 citywide educational coalition; (iii) one parent who shall be

10 selected by the Boston special needs parent advisory council; and
11 (iv) one parent who shall be selected by the bilingual education
12 citywide parent advisory council.

13 (b) One teacher in the Boston public school system who shall
14 be selected by the Boston teachers unions from its membership.

15 (c) One headmaster or principal in the Boston public school
16 system who shall be selected by the Boston association of school
17 administrators and supervisors from its membership.

18 (d) One representative from the Boston business community as
19 follows: one representative each shall be selected by the private
20 industry council, the Boston municipal research bureau, and
21 Boston chamber of commerce from their respective memberships.
22 Such representatives shall serve on a rotating basis as follows: the
23 representative from the private industry council shall serve for the
24 first year of the first term of the nominating panel; the
25 representative from the Boston municipal research bureau shall
26 serve for the second year of the first term of the nominating panel;
27 the representative from the Boston chamber of commerce shall
28 serve for the first year of the second term of the nominating panel;
29 and so forth.

30 (e) One president of a public or private college or university
31 who shall be selected by the chancellor of higher education of the
32 commonwealth.

33 (f) One person shall be the commissioner of education of the
34 commonwealth.

35 (g) Four persons who shall be appointed by the mayor.

36 The members of the nominating panel shall be selected from
37 time to time no later than September thirtieth and shall serve for
38 a term of two years, except as otherwise provided in this section.
39 In the event that any member does not complete his or her term
40 for any reason, the person or entity who selected such member
41 shall select another person in like manner to complete the
42 unexpired term.

1 SECTION 7. (a) The nominating panel annually shall from
2 among its membership elect a chairman who shall forthwith file
3 a list of the names and addresses of the members of the panel with
4 the city clerk. The panel shall meet in public for the sole purpose

5 of deliberating upon, hearing public comment with respect to, and
6 finally selecting a list of nominees to be presented to the mayor
7 from time to time. Each nominee shall be a resident of Boston
8 at the time of such nomination. The panel shall strive to nominate
9 individuals who reflect the ethnic, racial and socioeconomic
10 diversity of the city of Boston and its public school population.

11 (b) The first nominating panel shall convene itself in a
12 municipal building within thirty days after the effective date of
13 this act. It shall hold such meetings as it deems necessary and shall
14 present to the mayor a list containing the names and addresses
15 of not fewer than twenty-one nominees not later than December
16 2, 1991, from which the mayor shall appoint seven persons to serve
17 as members of the school committee; provided, however, should
18 the panel fail to present said list to the mayor by December 2,
19 1991, the mayor shall have the power to appoint any person he
20 deems suitable to the office of school committee for the terms to
21 commence in the following January.

22 (c) In 1991 and thereafter, on the first Wednesday of October
23 of every year the nominating panel shall convene to select not
24 fewer than three but not more than five nominees for each office
25 of school committee member that shall become vacant on the first
26 day of the next municipal year. No later than the first Monday
27 in December of each year, the panel shall present to the mayor
28 a list containing the names and addresses of the said nominees
29 for each term of office to commence on the first day of the next
30 municipal year; provided, however, should the panel fail to
31 present said list to the mayor by said first Monday in December,
32 the mayor shall have the power to appoint any person he deems
33 suitable to the office of school committee for the term to
34 commence in the following January.

35 (d) Upon notice provided by the city clerk that a vacancy exists
36 in the office of any school committee member due to death or
37 resignation, the panel shall convene within ten days of such notice
38 and shall, within thirty days after so convening, select and present
39 to the mayor a list containing the names and addresses of not fewer
40 than three but not more than five nominees. Within fifteen days
41 after such presentment, the mayor shall appoint a school
42 committee member to serve the unexpired term of the vacant

43 office; provided, however, should the panel fail to present said
44 list within said thirty days, the mayor shall have the power to
45 appoint any person he deems suitable to the vacant office to serve
46 said unexpired term.

1 SECTION 8. The state secretary shall cause to be placed on
2 the official ballot to be used in the city of Boston at the regular
3 general state election in the year nineteen hundred and ninety-six
4 the following binding question: "Shall an act passed in the General
5 Court in 1991, entitled 'An Act Reorganizing the School
6 Committee of the City of Boston' be repealed as of January 1998
7 and in place thereof the school committee structure as existing
8 in 1991 be reconstituted after an election held in 1997?". If a
9 majority of the votes cast on this question is in the affirmative,
10 this act shall cease to be effective as of the first Monday in January,
11 1998, and the incumbent members of the school committee serving
12 pursuant to this act shall cease to hold office, provided, however,
13 that in place thereof a school committee shall be elected under
14 existing law in the year 1997 and the members so elected shall
15 take office on the first Monday in January, 1998.

1 SECTION 9. The nominating panel and the mayor shall carry
2 out their respective powers and duties conferred and imposed by
3 the provisions of this act in a manner that shall allow the
4 appointed school committee to assume their powers and perform
5 their duties on the first day of the municipal year in 1992.

1 SECTION 10. This act shall not be amended or repealed
2 except by the vote of the people as provided in section 8 or by
3 special act passed in conformance with article 89 of the
4 amendments to the constitution of the commonwealth.

1 SECTION 11. This act shall take effect upon its passage.

It often happens however, should the party fail to comply with the terms of the contract, the major shall then be bound to appear and defend the same in a court of law.

The undersigned hereby certifies that the above is a true and correct copy of the original contract as the same appears on the books of the undersigned.

Witness my hand and seal this 1st day of August 1901.

JOHN W. HOUSTON, President

