

HOUSE No. 6196

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 4, 1985.

The committee on Education, to whom was referred the petition (accompanied by bill, House, No. 1703) of James G. Collins, John W. Olver and another relative to the structure and authority of educational collaboratives, reports recommending that the accompanying bill (House, No. 6196) ought to pass.

For the committee,

NICHOLAS A. PALEOLOGOS.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE STRUCTURE AND AUTHORITY OF EDUCATIONAL COLLABORATIVES.

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 40 of the General Laws is hereby amended
2 by striking section 4E and inserting in place thereof the following
3 section:

4 Section 4E. Pursuant to the provisions of this law, two or more
5 school committees of cities, towns and regional school districts may
6 enter into a written agreement to conduct jointly educational pro-
7 grams and services which shall complement and strengthen the
8 school programs in behalf of member school committees and
9 increase educational opportunities for children. The school com-
10 mittees shall collaborate with each other to offer such programs
11 and services, and the association of school committees which is
12 formed pursuant to this law to deliver such programs and services
13 shall be known as an education collaborative.

14 The education collaborative shall be managed by a board of
15 directors which shall be comprised of one representative appointed
16 by each member school committee. Said representative shall be
17 either a school committee member or the superintendent of schools.
18 Said members shall be entitled to a vote according to the terms of
19 the education collaborative agreement. The department of educa-
20 tion shall appoint an individual to serve in an advisory capacity to
21 the education collaborative board. Said individual shall not be
22 entitled to vote on any matter which comes before the education
23 collaborative board.

24 The written agreement which forms the basis of the education
25 collaborative shall set forth the purposes of the program or service,
26 the financial terms and conditions of membership of the education
27 collaborative, the method of termination of the education collab-
28 orative and of the withdrawal of member school committees, the

29 procedure for admitting new members and for amending the collab-
30 orative agreement, the powers and duties of the education collab-
31 orative board of directors to operate and manage the education
32 collaborative and any other matter not incompatible with law
33 which the member committees deem advisable. The agreement
34 shall be subject to the approval of the member school committees
35 and the commissioner of education.

36 Each educational collaborative board shall establish and manage
37 a trust fund, to be known as an education collaborative fund, and
38 each such fund shall be designated by an appropriate name. All
39 monies contributed by the member municipalities, and all grants or
40 gifts from the federal government, state governments, charitable
41 foundations, private corporations, or any other source, shall be
42 paid to the education collaborative board and deposited in the
43 aforesaid fund.

44 The education collaborative board shall appoint a treasurer who
45 may be a treasurer of a city, town or regional school district
46 belonging to the collaborative. Said treasurer shall be authorized,
47 subject to the direction of the education collaborative board, to
48 receive and disburse all monies of the trust fund without further
49 appropriation. The treasurer shall give bond annually for the faith-
50 ful performance of his/her duties as collaborative treasurer in a
51 form approved by the department of revenue and in such sum, not
52 less than the amount established by said department, as shall be
53 fixed by the collaborative board. The education collaborative
54 board in its discretion may pay compensation to the treasurer for
55 his/her services. No member of the education collaborative board
56 of directors shall be eligible to serve as treasurer of said board.

57 The treasurer of the education of collaborative board of directors
58 shall have the authority to make appropriate investments of the
59 monies of the education collaborative trust fund consistent with the
60 provisions of section 54 of the General Laws chapter 44.

61 The education collaborative board of directors shall have the
62 authority to borrow money in anticipation of income for up to
63 ninety days to meet ongoing payroll obligations.

64 The education collaborative board of directors shall have the
65 authority to employ an executive officer who shall serve under the
66 general direction of the board and who shall be responsible for the
67 care and supervision of the education collaborative.

68 The education collaborative board of directors shall be deemed
69 to be a public employer and have the authority to employ person-
70 nel, including teachers, to carry out the purposes and functions of
71 the education collaborative. No person shall be eligible for
72 employment by said collaborative board as an instructor of chil-
73 dren with severe special needs, teacher of children with special
74 needs, teacher, guidance counselor or school psychologist unless
75 such person has been granted a certificate by the board of education
76 under the provisions of section thirty-eight G of chapter seventy-
77 one or section six of chapter seventy-one A or an approval under
78 the regulations promulgated by the board of education under chap-
79 ter seventy-one B or chapter seventy-four with respect to the type of
80 position for which he/she seeks employment; provided, however,
81 that nothing herein shall be construed to prevent a collaborative
82 board from prescribing additional qualifications. A collaborative
83 board may, upon its request, be exempted by the board of educa-
84 tion for any one school year from the requirements of this section to
85 employ certified or approved personnel when compliance therewith
86 would in the opinion of the board constitute a great hardship.

87 The education collaborative board may contract for the purchase
88 of supplies, materials and services and for the leasing of land,
89 buildings and equipment as deemed necessary by the board.

90 The education collaborative shall be deemed to be a public entity
91 and shall have standing to sue and to be sued to the same extent as a
92 city, town or regional school district.

93 Upon the recommendation of the department of education, the
94 state treasurer shall annually disburse to each school committee, a
95 reimbursement equal to ten per cent of the costs incurred for
96 collaborative programs and services, not to include services pro-
97 vided under contract with state or federal agencies, said reimburse-
98 ments to be approved by the commissioner of education.

99 A school committee of any city, town or regional school district
100 may authorize the prepayment of monies for any educational pro-
101 gram or service of the education collaborative, to the treasurer of an
102 education collaborative, and the city, town or regional school
103 district treasurer shall be required to approve and pay such monies
104 in accordance with the authorization of the school committee.

1 SECTION 2. Chapter 71 of the General Laws is hereby amended
2 by striking section 71D and inserting in place thereof the following
3 section: —

4 Section 71D. A school committee of any city, town, or regional
5 school district may authorize the prepayment of tuition for a period
6 not exceeding three months to any private school or approved
7 program source which a student is attending under the provisions
8 of chapter 71B of the General Laws, and the city, town or regional
9 school district treasurer shall be required to approve and pay such
10 monies in accordance with the authorization of the school commit-
11 tee.

1 SECTION 3. Notwithstanding any provision of law to the con-
2 trary, no education collaborative agreement between or among the
3 school committees of two or more cities, towns or regional school
4 districts requiring the approval of the department of education,
5 shall be made except under the provisions of this section. Any
6 education collaborative heretofore formed under provisions of
7 chapter 40, section 4E shall revise its agreement to conform to the
8 provisions of this section within two years of its passage. Such new
9 agreements or any subsequent admendments to collaborative
10 agreements shall be subject to the approval of the commissioner of
11 education.

