

By Mr. Switzler of Wellesley, petition of Shepard Spunt and Royall H. Switzler for legislation to revise the law pertaining to the provisions of educating certain non-resident children. Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Seven.

AN ACT TO REVISE THE LAW PERTAINING TO THE PROVISIONS OF EDUCATING CERTAIN NON-RESIDENT CHILDREN.

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. Section 12A of chapter 76 of the General Laws
2 of the Commonwealth of Massachusetts, as amended by section 7
3 of chapter 636 of the acts of 1974, is hereby deleted and the
4 following substituted in its place:—

5 The school committee of any city or town or any regional
6 district school committee may adopt a plan for attendance at its
7 schools by any child who resides in another city, town, or regional
8 school district in which racial imbalance, as defined in section
9 thirty-seven D of chapter seventy-one, exists in a public school.
10 Such plan shall tend to eliminate such racial imbalance, shall be
11 consistent with the purposes of said section thirty-seven D, and
12 shall include an estimate of the expenses necessary to implement
13 such plan. Such school committee or regional district school
14 committee shall file a copy of such plan and the vote by which it
15 was adopted with the board of education, in this section called the
16 board. The board shall approve or disapprove such plan within
17 ninety days after the date of such filing. If it disapproves such
18 plan, it shall state the reasons therefor. If it approves such plan,
19 the board, acting through the commissioner of education and on
20 behalf of the commonwealth, shall enter into an agreement with
21 such school committee or regional district school committee
22 providing that such school committee shall accept for attendance
23 at its schools non-resident children as provided by such plan and

24 that the commonwealth shall provide financial assistance to such
25 city, town, or regional district school committee as provided by
26 this section; provided, however, that such agreement may provide
27 that such school committee or regional district school committee
28 waives all or any part of the financial assistance. However, the
29 school committee shall not in any year waive the financial
30 assistance for the cost of educating and transporting each non-
31 resident child, as approved by the board, without first obtaining
32 approval of the waiver, in the case of a city by the city council or
33 board of aldermen, and in the case of a town by a town meeting.
34 No such school committee or regional district school committee
35 shall be required to implement any such plan unless and until it
36 and the board have entered into such an agreement providing for
37 the amount of financial assistance and the terms on which such
38 assistance shall be provided.

39 Any child residing in any city, town, or regional school district
40 and attending therein a public school in which such racial
41 imbalance exists may attend a public school or a publicly
42 authorized non-sectarian school in a city, town or regional school
43 district in which he does not reside if the school committee of
44 such city or town or the committee of such regional school district
45 has adopted and the board has approved, as provided by this
46 section, a plan for the attendance of such non-resident children
47 therein.

48 The commonwealth shall, upon certification by the board,
49 provide financial assistance in accordance with such agreement.
50 Such financial assistance shall include, but shall not be limited to,
51 an amount computed by multiplying the aggregate cost of
52 educating and transporting each non-resident child, in each case
53 as approved by the board, by the number of non-resident
54 children. Such sums as may be received for tuition by a school
55 committee from the commonwealth from time to time shall be
56 turned over to the treasurer of a city or town and deposited in the
57 general fund. A regional district school committee shall turn over
58 to the treasurers of the towns constituting the district tuition
59 amounts in the same proportion as such towns pay expenses for
60 maintaining such district. These amounts shall be deposited in the
61 general fund. Formulas used by the board to computed tuition
62 and transportation shall be the same for all school committees
63 participating under this section.

64 The board shall provide technical and other assistance to any
65 city, town or regional school district in the formulation and
66 implementation of any such plan. No financial assistance
67 provided by the commonwealth shall be used directly or
68 indirectly to pay for services to any children other than those
69 covered by paragraph one of this act. A school committee,
70 regional district school committee, or board may accept, for the
71 purpose of implementing any such plan, gifts, grants, or
72 contributions from any source, whether public or private. Any
73 gift, grant, or contribution so accepted by a school committee of a
74 city or town or regional district school committee for such
75 purpose shall be deposited with the treasurer of such city, town,
76 or regional district school committee in a separate account, with
77 the exception of amounts received for tuition, and may be
78 expended without further appropriation, notwithstanding the
79 provisions of section fifty-three of chapter forty-four. Unexpended
80 funds in the separate account shall be transferred to the
81 surplus funds of a city or town and, in the case of a regional
82 district school, to the surplus funds of the towns constituting the
83 district in the same proportion as such towns pay expenses for
84 maintaining such district, such transfer to be made prior to the
85 close of each fiscal year.

1 SECTION 2. Said act to take effect upon its passage.

