

HOUSE . . . . . No. 5760

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*The Commonwealth of Massachusetts*

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HOUSE OF REPRESENTATIVES, May 22, 1978.

The committee on Bills in the Third Reading, to whom was referred the Bill designating those institutions now termed "private" institutions of higher education as "independent" institutions of higher education (House, No. 772), report recommending that the same be amended by the substitution of the accompanying bill (House, No. 5760).

For the committee,

JOHN E. MURPHY, Jr.

## The Commonwealth of Massachusetts

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

AN ACT DESIGNATING THOSE INSTITUTIONS TERMED "PRIVATE" INSTITUTIONS OF HIGHER EDUCATION AS "INDEPENDENT" INSTITUTIONS OF HIGHER EDUCATION.

*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 1A of chapter 15 of the General Laws is  
2 hereby amended by striking out the second paragraph, as  
3 appearing in section 2 of chapter 572 of the acts of 1965, and  
4 inserting in place thereof the following paragraph: —

5 No member of said board shall be employed by or derive regular  
6 compensation from any educational institution, or school system,  
7 public or independent, or be employed by or derive regular  
8 compensation from the commonwealth. No two members shall be  
9 alumni of the same public institution, or segment of institutions, of  
10 higher education in the commonwealth. No person who is serving  
11 as a member of a board of any public institution of higher  
12 education or of any school committee shall be appointed to the  
13 board.

1 SECTION 2. Said chapter 15 is hereby further amended by  
2 striking out section 1B, as most recently amended by section 2 of  
3 chapter 1175 of the acts of 1973, and inserting in place thereof the  
4 following section: —

5 *Section 1B.* There shall be in the department an advisory  
6 commission to the board of higher education, to consist of the  
7 president of the University of Massachusetts, the president of the  
8 University of Lowell, the president of the Southeastern  
9 Massachusetts University, the president of the Massachusetts  
10 regional community colleges, the commissioner of education, and  
11 the director of research of the advisory council on education, ex  
12 officio, a president of a state college chosen annually by a majority

13 vote of all state college presidents, and a president of an  
14 independent institution of higher education in the commonwealth  
15 to be appointed by the governor. The member to be appointed by  
16 the governor shall serve for a term of five years. The members of  
17 the advisory commission shall attend meetings of the board, except  
18 when said board meets in executive session.

1 SECTION 3. Section 1D of said chapter 15 is hereby amended  
2 by striking out the twentieth paragraph, as most recently amended  
3 by section 1 of chapter 611 of the acts of 1972, and inserting in place  
4 thereof the following paragraph: —

5 The board shall administer a scholarship program for the  
6 purpose of furnishing aid and assistance to students domiciled in  
7 the commonwealth and enrolled in and pursuing a program of  
8 higher education in any approved public or independent college,  
9 normal school, scientific or technical institution, or any other  
10 approved institution furnishing a program of higher education.  
11 Such aid and assistance shall consist of the awarding of full or  
12 partial scholarships to worthy and qualified students in need of  
13 financial assistance, provided that not less than ten nor more than  
14 twenty-five per cent of the total amount of scholarships awarded in  
15 any one year shall be allotted to students at institutions of higher  
16 education supported by the commonwealth. The board shall  
17 award such scholarships and notify all applicants on or before July  
18 first in each year. The board is authorized to guarantee the  
19 payment of such full or partial scholarships to twenty-five students  
20 annually of extraordinary need and ability selected in the tenth or  
21 eleventh grades by persons or agencies of the board's designation  
22 under such regulations as the board shall deem necessary. Said  
23 scholarships, to be known as the Christian A. Herter Memorial  
24 Scholarships, shall be guaranteed to the student at the time of his  
25 selection, provided he satisfactorily completes high school and is  
26 enrolled in and pursuing a program of higher education in any  
27 approved public or independent college, normal school, scientific  
28 or technical institution, or any other approved institution  
29 furnishing a program of higher education, and shall be payable

30 from general scholarship funds at the time of his matriculation.  
31 The board shall establish such regulations governing the eligibility  
32 and awarding of scholarships as it shall deem necessary.

1 SECTION 4. Said section 1D of said chapter 15 is hereby  
2 further amended by striking out the twenty-third and twenty-  
3 fourth paragraphs, added by chapter 354 of the acts of 1972, and  
4 inserting in place thereof the following two paragraphs: —

5 The board shall establish and operate an educational oppor-  
6 tunities information center to provide information and assistance  
7 to prospective college and university students, and to public and  
8 independent institutions of higher education on matters regarding  
9 student admissions, transfers, and enrollments.

10 Such public institutions shall cooperate with the center by  
11 furnishing such nonconfidential information as may assist the  
12 center in the performance of its duties. Similar cooperation may be  
13 requested of independent educational institutions in the com-  
14 monwealth.

1 SECTION 6. Section 1E of said chapter 15 is hereby amended  
2 by striking out the third sentence, as appearing in section 1 of  
3 chapter 1009 of the acts of 1971, and inserting in place thereof the  
4 following sentence: — No appointive member of said board shall  
5 be employed by or derive regular compensation from any  
6 educational institution, or school system, public or independent, in  
7 the commonwealth, be employed by or derive regular compensa-  
8 tion from the commonwealth, or serve as a member of a governing  
9 board of any public institution for higher education in the  
10 commonwealth or as a member of any school committee.

1 SECTION 7. The second paragraph of section 1H of said  
2 chapter 15, as appearing in section 2 of chapter 572 of the acts of  
3 1965, is hereby amended by striking out the first sentence and  
4 inserting in place thereof the following sentence: — No member of  
5 the council shall be employed by or derive regular compensation  
6 from any educational institution, or school system, public or  
7 independent, in the commonwealth or be employed by or derive



8 regular compensation from the commonwealth, or be a member of  
9 a board of any public institution for higher education in the  
10 commonwealth or of any state board of education.

1 SECTION 8. Said chapter 15 is hereby further amended by  
2 striking out section 1L, as amended by section 10 of chapter 1168  
3 of the acts of 1973, and inserting in place thereof the following  
4 section: —

5 *Section 1L.* The school committee of any city or town  
6 designated by the secretary of elder affairs may extend the school  
7 lunch period for the purpose of serving lunches to authorized  
8 elderly persons. Independent schools in any city or town so  
9 designated may also participate.

10 The governing body of each city and town shall be responsible  
11 for developing a plan for a year-round hot lunch program for the  
12 elderly.

13 The bureau of nutrition education and school food services in  
14 the department of education may contract with nonprofit public or  
15 private agencies for the preparation and serving of meals to the  
16 elderly in accordance with the provisions of this section.

17 Such meals may be prepared by schools and nonprofit agencies  
18 and served on site or in central production centers for service at  
19 sites more convenient to the elderly.

20 The operation of such school lunch programs by public or  
21 independent schools and nonprofit public or private agencies shall  
22 be subject to the following conditions and restrictions:

23 (1) The charge to such persons for each lunch shall not exceed  
24 fifty cents.

25 (2) The lunches served shall meet the nutritional standards  
26 established jointly by the department of education and the  
27 secretary of elder affairs.

28 (3) The procedure determined by such school committee or  
29 such independent school in serving such lunches shall be approved  
30 by the secretary of elder affairs and the bureau of nutrition  
31 education and school food services in the department of education.

32 (4) The secretary of elder affairs shall provide each such person  
33 with an identification card authorizing his participation in such  
34 lunch programs.

35 As used in this section, the words "authorized elderly persons"  
36 shall mean persons sixty years of age and over and their spouses  
37 whose participation in the program has been approved by the  
38 secretary of elder affairs. The commonwealth may, subject to ap-  
39 propriation, reimburse any city or town, public school, indepen-  
40 dent school or nonprofit public or private agency for such costs as  
41 are incurred in excess of fifty cents for each such lunch prepared  
42 and served, upon written request by such city or town, public  
43 school, independent school or nonprofit public or private agency  
44 to the commissioner of education on such form as he may  
45 prescribe. If the commissioner approved such request, he shall  
46 certify to the comptroller that such payments are due and the state  
47 treasurer shall pay the same. Any federal funds provided annually  
48 for the purposes of this program shall be expended prior to the use  
49 of any funds appropriated by the commonwealth.

1 SECTION 9. Section 1M of said chapter 15, added by section 2  
2 of chapter 766 of the acts of 1972, is hereby amended by striking  
3 out clause (8) and inserting in place thereof the following clause: —  
4 (8) to cooperate with and assist public and independent colleges  
5 and universities within the commonwealth in developing courses  
6 and programs best designed to prepare graduates to serve the  
7 educational requirements of children requiring special education.

1 SECTION 10. Section 20 of said chapter 15 is hereby amended  
2 by striking out the first sentence, as most recently amended by  
3 section 13 of chapter 706 of the acts of 1975, and inserting in place  
4 thereof the following sentence: — There shall be a board of trustees  
5 of the University of Massachusetts, consisting of the governor, the  
6 commissioner of education, the commissioner of food and  
7 agriculture, the commissioner of public health, the commissioner  
8 of mental health, the chairman of the board of selectmen of the  
9 town of Amherst who shall not have voting power, the president of  
10 the college, ex officio, two elected representatives of the student  
11 body, one of whom shall be from the Amherst campus, one of  
12 whom shall be from the Boston campus and not more than  
13 seventeen appointive members, none of whom shall be affiliated in  
14 any capacity with an independent medical school.

1 SECTION 11. Said chapter 15 is hereby further amended by  
2 striking out section 20B, inserted by section 4 of chapter 572 of the  
3 acts of 1965, and inserting in place thereof the following section: —

4 *Section 20B.* There shall be an advisory commission to the board  
5 of trustees of state colleges consisting of five members, who shall be  
6 professional educators, three of whom shall be presidents of state  
7 colleges, elected by a majority of all state college presidents, and  
8 shall serve for a term of one year and two persons, who shall be  
9 affiliated with independent institutions of higher education in the  
10 commonwealth and shall be appointed by the governor for a term  
11 of five years. The two members appointed by the governor shall be  
12 residents of the commonwealth and eligible for reappointment for  
13 one five-year term. The members of the commission shall attend  
14 meetings of the board of trustees of state colleges except when said  
15 board meets in executive session.

1 SECTION 12. Section 27 of said chapter 15 is hereby amended  
2 by striking out the first sentence, as amended by section 5 of  
3 chapter 864 of the acts of 1977, and inserting in place thereof the  
4 following sentence: — There is hereby established in the  
5 department, but not subject to its control, a Massachusetts board  
6 of regional community colleges, hereinafter called the board,  
7 which shall consist of seventeen members, including the chancellor  
8 of the board of higher education, the commissioner of education,  
9 the president of the University of Massachusetts, a president of a  
10 state college annually elected by the presidents of the state colleges,  
11 including the Massachusetts College of Art and the Massachusetts  
12 Maritime Academy, a president of the University of Lowell or the  
13 Southeastern Massachusetts University elected by the presidents  
14 of such universities, the chairman of the student advisory  
15 commission to the board of trustees of regional community  
16 colleges, and eleven persons to be appointed by the governor, at  
17 least one of whom shall be the president of an independent college,  
18 university or junior college in the commonwealth.



1 SECTION 13. The first paragraph of section 46 of said chapter  
2 15, as appearing in section 4 of chapter 847 of the acts of 1973, is  
3 hereby amended by striking out, in line 9, the word "private" and  
4 inserting in place thereof the word: — independent.

1 SECTION 14. The third paragraph of said section 46 of said  
2 chapter 15, as so appearing, is hereby amended by striking out, in  
3 line 8, the word "private" and inserting in place thereof the word:  
4 — independent.