HOUSE . . . . . No. 83

The Commonwealth of Massachusetts

DEPARTMENT OF EDUCATION
182 TREMONT STREET, BOSTON 02111, NOVEMBER 3, 1971.

The Honorable John F. X. Davoren, *Secretary of the Commonwealth,* State House, Boston, Massachusetts 02133

DEAR SECRETARY DAVOREN: – In accordance with the provisions of Chapter 30, Section 33 of the General Laws, I am enclosing recommendations for legislation proposed by the Board of Education and the Department of Education.

Drafts of bills accompany our recommendations, and these drafts have been submitted to House Counsel as required by law.

Sincerely yours,

NEIL V. SULLIVAN,
Commissioner of Education.

RECOMMENDATIONS

1. AN ACT RELATIVE TO THE EXPENDITURE OF FUNDS IN MODEL EDUCATIONAL PROGRAMS.

In recent years many communities have joined educational co-operatives to sponsor model educational programs. Generally these co-operatives offer better educational services at lower cost than the communities could provide by working in isolation. However, the co-operatives are hampered by municipal finance laws which require the host community to raise and appropriate the entire operating budget before receiving reimbursements from the member towns. Host communities are frequently reluctant to increase their budgets by the large sums required for some co-operatives, and consequently, existing laws discourage the formation of these co-operatives.

The above bill would permit a co-operative to expend reimbursements without appropriation, and permit the host community to appropriate only its share of the co-operative's budget.

2. AN ACT TO FACILITATE THE ADOPTION OF THE TWELVE MONTH SCHOOL YEAR BY LOCAL SCHOOL COMMITTEES.

Existing statutes require technical changes in order that cities and towns which choose to institute a twelve month school year in accordance with Board of Education regulations may do so without legal difficulty. Section 1 amends section 28 of chapter 71 because the present wording might be construed to keep school committees from requiring attendance during the summer months. Section 2 would adjust the school law attendance law to accommodate the twelve month school law. Section 3 would adjust the law requiring the time of high school graduation to accommodate the twelve month school law. Section 4 would adjust the law requiring an annual statement representing the number of minor children enrolled in schools to accommodate the twelve month school year.

3. AN ACT PROVIDING FOR LIMITED EXPENDITURE OF FUNDS BY SCHOOL COMMITTEES FOR THE EMPLOYMENT OF COUNSEL FOR GENERAL PURPOSES WITHOUT TOWN APPROVAL.

Increasingly the operation of schools is being infused with complex legal questions on subjects ranging from tenure to student rights. School committees and superintendents find themselves in need of immediate and specialized legal advice to guide them in times of crisis or severe administrative difficulty. Town counsel and Department of Education counsel attempt to help with legal advice in these situations but the increasing volume and urgency of such matters makes it essential that school committees begin to employ part-time legal counsel for general purposes. The existing chapter 37F permits the employment of counsel for general purposes but only after town acceptance of the section. The restriction has prevented many school committees from being able to move ahead with employment of such counsel. This proposal would empower them to do so within a limit of five thousand dollars without other restriction.

4. AN ACT RELATING TO DEPUTY COMMISSIONERS OF EDUCATION.

Recently, the Board of Education voted to re-organize the Department of Education to serve more efficiently and effectively elementary and secondary education in the Commonwealth. This bill would help to implement that re-organization by authorizing appointment of a second Deputy Commissioner of Education and by assigning responsibilities in the event of absence or disability of the Commissioner of Education.

5. AN ACT LIMITING THE OBLIGATION OF SCHOOL COMMITTEES TO PROVIDE TRANSPORTATION FOR STUDENTS TO SPECIAL EDUCATION PROGRAMS IN SCHOOLS OTHER THAN PUBLIC SCHOOLS IN CERTAIN SITUATIONS.

The purpose of this act is to provide for the setting of a reasonable limit on the amounts which local school committees

must expend for the transportation of handicapped pupils to private schools in situations where the public schools are providing an equivalent program, and only in such situations. The existing statute provides for payment of transportation costs in any approved school or program within or without the town of residence of the parent with no limitation whatsoever. Thus, we have situations in the Commonwealth today where school officials have worked to institute fine programs for handicapped children in their public schools and maintain them at great expense, yet are faced with demands to pay the transportation costs of pupils to private schools outside of town many miles away. This may well involve extraordinary expense for local school authorities. Furthermore, since the Commonwealth reimburses one-half the cost of such transportation, the existing situation also involves high costs for the state.

6. AN ACT RELATIVE TO THE SALARY OF THE COMMISSIONER OF EDUCATION.

The present salary of the Commissioner is $30,000. Higher salaries are received by at least twelve Massachusetts superintendents of schools and by at least fourteen commissioners of education in other states. The Board of Education feels an adjustment on the Commissioner's salary is clearly needed.

7. TO PROVIDE FOR DEFINITION AND ELABORATION THROUGH BOARD OF EDUCATION REGULATIONS OF PROCEDURES SURROUNDING THE EXCLUSION OF STUDENTS FROM SCHOOLS.

8. AN ACT DIRECTING THE BOARD OF EDUCATION TO ADOPT REGULATIONS IN REGARD TO THE MAINTENANCE OF STUDENT RECORDS AND ACCESS THERETO.

The purpose of this act is to direct and empower the Board of Education to issue regulations to clarify a situation of concern to local school officials, the Department of Education, parents and students. Existing law does not specify what must be kept in a students record, for how long the material must be kept, what parts of a students record should be shown to the student or his

parents or under what circumstances his record should be made available to third parties. To protect the legitimate interests of all parties, the Board should be given a clear legislative mandate to issue such regulations.

9. AN ACT AUTHORIZING THE STATE BOARD OF EDUCATION TO EXEMPT CERTAIN TOWNS FROM THE LAW REQUIRING THAT FOOD SERVICE BE MADE AVAILABLE IN ALL THE PUBLIC SCHOOLS OF THE COMMONWEALTH.