

By Mr. Rogers of New Bedford, petition of George Rogers for legislation to regulate further the attendance of certain children in public schools of cities or towns other than the cities or towns in which they reside and providing for the payment of the cost of such attendance. Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT FURTHER REGULATING THE ATTENDANCE OF CERTAIN CHILDREN IN PUBLIC SCHOOLS OF CITIES OR TOWNS OTHER THAN THE CITIES OR TOWNS IN WHICH THEY RESIDE, AND THE PAYMENT OF THE COST OF SUCH ATTENDANCE.

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 as most recently amended by chapter 622 of the acts of 1968,
3 is hereby further amended by striking out the third paragraph
4 and inserting in place thereof the following five paragraphs:—

5 From time to time, the state board of education shall certify
6 to the state comptroller, and the state treasurer shall, within
7 thirty days after each such certification, pay to the several
8 towns, from any amounts appropriated therefor, the amounts
9 due them in accordance with the following clauses:—

10 (a) The total annual amount of financial assistance which
11 each town whose plan has been approved shall be paid shall
12 be (i) the product of multiplying (a) the number of such
13 children provided for in such plan, or such lesser number as
14 the state board of education may certify on the basis of actual
15 enrollment records, by (b) the marginal cost of providing
16 education in such town; (ii) plus any amount which the state
17 board of education may determine to be required by extraor-
18 dinary conditions in such town or extraordinary requirements
19 of such plan, such amount under this clause (a) (ii) how-
20 ever in no event to exceed thirty per cent of the amount to be

21 paid to such town under clause (a) (i) hereof, nor, together
22 with all other amounts paid and to be paid to all towns collec-
23 tively under this clause (a) (ii) in the then current fiscal year,
24 to exceed ten per cent of the aggregate amount paid and to be
25 paid to all towns collectively under clause (a) (i) in the then
26 current fiscal year.

27 (b) For the purpose of this section the marginal cost of
28 providing education in a town shall be the total of (i) the
29 additional expenditure incurred or to be incurred by such
30 town in or for the year in question by reason of the adoption
31 and carrying out of such plan, including the cost of additional
32 educational supplies, materials and equipment, administration
33 and other overhead costs, salaries required for additional
34 teachers and others who may be required under such plan,
35 transportation, special training and other specific items re-
36 quired under such plan and all other sums reasonably related
37 to such plan, but not including the cost of any permanent
38 school building construction, divided by (ii) the number of
39 such children provided for in such plan. A town may in ac-
40 cordance with such plan and subject to the approval of the
41 state board of education, contract with any individual or
42 organization for the furnishing of any supplies, materials,
43 equipment, transportation or services required by such plan,
44 and may pay the cost thereof from the amount paid to it
45 hereunder. The state board of education may by regulation
46 further define marginal cost and further determine how it
47 shall be calculated, and further regulate the terms of such
48 contracts and the effectuation of such plans.

49 (c) The state board of education shall not certify any
50 amounts required to pay to all towns collectively for a number
51 of children provided for in all such plans collectively in ex-
52 cess of one-hundred fifty per cent of the number of children
53 provided for in all such plans for the previous year, except
54 that children attending school in a town in which in such
55 previous year no such plan was in effect shall not be considered
56 as a part of such number of children for the current year for
57 purposes of this clause (c).

58 The state board of education may provide, from funds ap-
59 propriated for the purpose, financial assistance to any town
60 whose plan it approves, in addition to any amounts paid by the

61 state treasurer. The state board of education shall provide
62 technical and other assistance to any town in the formulation
63 and execution of any such plan.

1 SECTION 2. This act shall take effect on July first, nine-
2 teen hundred and seventy-one.

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