

HOUSE No. 449

By Mrs. Harkins of Needham, petition of Lida E. Harkins and others relative to educational collaboratives. Education.

The Commonwealth of Massachusetts

PETITION OF:

Lida E. Harkins	Barbara A. L'Italien
Richard T. Moore	Christine E. Canavan
John W. Scibak	Jennifer M. Callahan
Willie Mae Allen	Alice Hanlon Peisch

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO EDUCATION 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 Chapter 40 of the General Laws is hereby amended by striking
2 out Section 4E, as appearing in the 2000 Official Edition, and
3 inserting in place thereof the following section:—
4 Section 4E. Pursuant to the provisions hereof, two or more school
5 committees of cities, towns and regional school districts may enter
6 into a written agreement to conduct education programs and services
7 which shall complement and strengthen the school programs of
8 member school committees and increase educational opportunities
9 for children. The school committees shall collaborate to offer such
10 programs and services, and the association of school committees
11 which is formed pursuant hereof to deliver such programs and serv-
12 ices shall be known as an education collaborative. The purpose of
13 the education collaborative shall be to enable school districts to
14 operate more efficiently and economically; assist school districts in
15 improving student performance; and implement initiatives assigned
16 by the general court or the commission of education. The education
17 collaborative shall have a board of directors which shall have the
18 power to select and terminate the executive director of the collabora-
19 tive, to review and approve budgets for the collaborative and to
20 establish policies for the collaborative which are consistent with the

21 requirements of the law. The board of directors shall be comprised of
22 one person appointed by each member school committee. Such
23 person shall be either a school committee member or designee or the
24 superintendent of schools. Each board member shall be entitled to
25 one vote. The written agreement which shall form the basis of the
26 education collaborative shall set forth the purposes of the program or
27 service, the financial terms and conditions of membership of the
28 education collaborative, the method of termination of the education
29 collaborative and of the withdrawal of member school committees,
30 the procedure for admitting new members and for amending the col-
31 laborative agreement, the powers and duties of the board of directors
32 of the education collaborative and any other matter not incompatible
33 with law which the member committees deem advisable. The agree-
34 ment shall be subject to the approval of the member school commit-
35 tees and the commissioner of education. The commissioner of
36 education shall develop in conjunction with collaborative directors
37 and the Massachusetts Organization of Educational Collaboratives
38 and promulgate a board of education approved policy on education
39 collaboratives. Such policy shall be reviewed every five years by the
40 board. Each board of directors of an education collaborative shall
41 establish and manage a trust fund, to be known as Education Collab-
42 orative Trust Fund, and each such fund shall be designated by an
43 appropriate name. All monies contributed by the member municipal-
44 ities, and all grants or gifts from the federal government, state gov-
45 ernment, charitable foundations, private corporations, or any other
46 source, shall be paid to the board of directors of the education col-
47 laborative and deposited in the aforesaid Fund. The board of direc-
48 tors of the education collaborative shall appoint a treasurer who may
49 be a treasurer of a city, town or regional school district belonging to
50 such collaborative. Such treasurer shall be authorized, subject to the
51 direction of the board of directors of the education collaborative, to
52 receive and disburse all monies of the trust fund without further
53 appropriation. The treasurer shall give bond annually for the faithful
54 performance of his duties as collaborative treasurer in a form
55 approved by the department of revenue and in such sum, not less
56 than the amount established by said department, as shall be fixed by
57 the board of directors of the education collaborative. The board of
58 directors of the education collaborative in its discretion may pay
59 compensation to the treasurer for his services. No member of the

60 board of directors of the education collaborative shall be eligible to
61 serve as treasurer of said collaborative. The treasurer of the educa-
62 tion collaborative board of directors shall have the authority to make
63 appropriate investments of the monies of the Education Collabora-
64 tive Trust Fund consistent with the provisions of Section 54 of
65 Chapter 44. The board of directors of the education collaborative
66 shall have the authority to borrow money, enter into long-term or
67 short-term loan agreements and mortgages, issue bonds, apply for
68 and be eligible to receive state, federal or corporate grants or con-
69 tracts subject to the approval of the collaborative board members.
70 For the purpose of applying for and receiving state, federal, or cor-
71 porate grants or contracts only, education collaboratives shall be
72 considered education service agencies. The board of directors of the
73 education collaborative shall employ, and fix the compensation of an
74 executive director. The executive director shall manage the educa-
75 tion collaborative in a fashion consistent with state and federal law,
76 board of education regulations, and policy determinations of the
77 board of directors. The executive director, consistent with the collab-
78 orative's policies and budgetary restrictions, shall be responsible for
79 hiring, supervising, overseeing, and terminating all personnel
80 employed by the collaborative. The education collaborative shall be
81 deemed to be a public employer, the representative of which is the
82 board of directors. No person shall be eligible for employment by
83 aid collaborative as a teacher of children with intense special needs,
84 teacher of children with special needs, teacher, guidance counselor,
85 school psychologist, school adjustment counselor, school social
86 worker, school nurse, unless he has been granted by the commis-
87 sioner a provisional or standard certification pursuant to Section 38G
88 of Chapter 71 or an approval under regulations promulgated by the
89 board of education under Chapter 71B or Chapter 74 with respect to
90 the type of position for which he seeks employment. The executive
91 director of the collaborative shall implement the regulations and
92 guidelines issued pursuant to Section 38G of Chapter 71. A board of
93 directors of an education collaborative may, upon its request, be
94 exempted by the board of education for any one school year from the
95 requirements of this section to employ certified or approved per-
96 sonnel when compliance therewith would in the opinion of the board
97 constitute a great hardship. Pursuant to Section 2 of Chapter 132 of
98 the Acts of 198, this paragraph shall not apply to any person

99 employed by an education collaborative on the effective date of that
100 Act. An employee or volunteer of an education collaborative shall be
101 immune from liability to the same extent as an employee or volun-
102 teer of a school district. The education collaborative shall be deemed
103 to be a public entity, subject to or exempt from taxation in the same
104 manner as a city, town or regional school district, and shall have
105 standing to sue and be sued to the same extent as a city, town, or
106 regional school district. An education collaborative, acting through
107 its board of directors, may enter into contracts for the purchase of
108 supplies, materials, services and for the purchase, sale or leasing of
109 land, buildings and equipment as deemed necessary by such board of
110 directors. A school committee of any city, town or regional school
111 district may authorize the prepayment of monies for any educational
112 program or service of the educational collaborative to the treasurer
113 of an education collaborative, and the city, town or regional school
114 district treasurer shall be required to approve and pay such monies in
115 accordance with the authorization of the school committee.