

SENATE, NO. 2335

[Senate, March 22, 2010 - New draft of Senate, No. 211 reported from the committee on Education.]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND TEN

AN ACT RELATIVE TO THE ESSEX NORTH SHORE AGRICULTURAL AND TECHNICAL SCHOOL.

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 3 of Chapter 463 of the Acts of 2004 is hereby amended in the
2 second paragraph by striking out the second sentence and in inserting in place thereof the
3 following:- “The North Shore vocational regional school and the Essex agricultural and
4 technical high school shall be dissolved and cease to exist on the July 1 preceding the opening of
5 the Essex North Shore agricultural and technical school. The temporary oversight board, shall be
6 dissolved and cease to exist upon convening of the new school committee as established pursuant
7 to Section 7 of Chapter 463 of the Acts of 2004.”

8 SECTION 2. Section 4 of Chapter 463 of the Acts of 2004 is hereby amended by
9 striking out the text and inserting in place thereof the following:-

10 “Any city or town which is a member of the North Shore Vocational Regional School
11 District, or the city of Peabody may elect to become a member municipality of the district by
12 vote of the city council or town meeting taken prior to July 1, 2010. A certified copy of the vote
13 shall be sent by the city or town clerk to the commissioner. Upon the election by cities and
14 towns representing at least 75 per cent of the October 1, 2004, foundation enrollment of the
15 North Shore Vocational Regional School District, the commissioner shall certify the local
16 adoption of this chapter to the secretary of the commonwealth. Additional elections may be
17 made by any city or town subsequent to the date of certification, but before July 1, 2010. On or
18 after July 1, 2010, the admission of additional member municipalities shall be governed by the
19 district’s by-laws.”

20 SECTION 3. Section 7 of Chapter 463 of the Acts of 2004 is hereby amended by in the
21 second paragraph by striking out the first sentence and inserting in place thereof the following:-

22 “Upon certification of the vote the commissioner or his designee shall fix the time and location
23 of the initial meeting of the school committee as soon as practicable and shall preside at such
24 meeting until the election of a chairperson.”

25 SECTION 4. Section 14 of Chapter 463 of the Acts of 2004 is hereby amended by
26 striking out the second sentence and inserting in place thereof the following:-

27 “Employees of the Essex agricultural and technical high school, employees of the North
28 Shore Vocational Regional School District, and all displaced employees of Peabody school
29 district who shall become employees of the Essex North Shore agricultural and technical school

30 as a result of the merger shall suffer no impairment of employment rights held immediately
31 before that date.”

32 SECTION 5. Section 15 of Chapter 463 of the Acts of 2004 as most recently amended
33 by Section 13 of Chapter 304 of the Acts of 2008 is hereby further amended by striking last
34 sentence and inserting in place the following sentence:- “Any remaining proceeds shall be used
35 to reduce any incurred indebtedness of all members of the Essex North Shore Agricultural and
36 Technical School District as established under Section 4 of Chapter 463 of the Acts of 2004.”

37 SECTION 6. Section 1A of chapter 70B of the General Laws, as appearing in the 2008
38 Official Edition, is hereby amended by inserting after the word “treasurer” in line 47 the
39 following words:— “; provided, however, that nothing in said chapter 268A shall be construed to
40 prevent: (1) a special state employee who is providing professional services to the authority from
41 receiving, benefiting from, or participating directly or indirectly in payments by any city, town or
42 regional school district under a contract funded by the authority to provide services to said city,
43 town or regional school district relative to a school project, after disclosure of the relevant facts
44 and financial interests to the executive director and the state ethics commission and with the
45 written approval of said executive director; (2) a former special state employee who has provided
46 professional services to the authority from acting as agent or attorney for or accepting
47 compensation from a city, town or regional school district under a contract for professional
48 services assigned by the authority to a city, town or regional school district; or (3) a current or
49 former municipal employee, having participated as such municipal employee in a school
50 building project, from providing any professional services for compensation to the authority in
51 connection with such project, after disclosure to the authority and to his current or former

52 municipal appointing official of the nature and extent of such participation and how it may relate
53 to the services provided to the authority.”

54 SECTION 7. Section 18 of Chapter 463 of the Acts of 2004 is hereby amended by
55 striking out the text and inserting in place thereof the following:-

56 “Sections 1, 12 and 14 shall take effect July 1 preceding the opening of the Essex North
57 Shore agricultural and technical school. Sections 6, 7, 8, 9, 10, 11, 13, 15, 16 and 17, inclusive,
58 shall take effect following certification by the commissioner of education of the votes required
59 by section 4. This certification by the commissioner shall occur not later than July 1, 2010.”

60 SECTION 8. This act shall take effect upon its passage.