

**HOUSE . . . . . No. 3853**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Christopher M. Markey***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the operation of charter schools in the city of New Bedford.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Christopher M. Markey</i>	<i>9th Bristol</i>	<i>5/2/2019</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>5/8/2019</i>

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By Mr. Markey of Dartmouth, a petition (subject to Joint Rule 12) of Christopher M. Markey and Paul A. Schmid, III (with the approval of the mayor and the city council) relative to the operation of a certain Commonwealth charter school in the city of New Bedford. Education. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act relative to the operation of charter schools in the city of New Bedford.

*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. Notwithstanding any contrary provision in section 27C of chapter 29,  
2 section 89 of chapter 71, or section 5 of chapter 76 of the General Laws:

3           (a)     The City of New Bedford, through its School Committee, shall establish a  
4 neighborhood zone for student enrollment at the second campus of Alma del Mar Charter  
5 School, and shall assign students who reside in such neighborhood zone to the second campus of  
6 Alma del Mar Charter School unless otherwise authorized by the Commissioner of Elementary  
7 and Secondary Education.

8           (b)     The City of New Bedford, through its School Committee, and Alma del Mar  
9 Charter School may create, by mutual agreement and subject to the approval of the  
10 Commissioner of Elementary and Secondary Education, additional policies deemed necessary  
11 for the implementation of an effective student enrollment system at the second campus of Alma

12 del Mar. Such policies may include but shall not be limited to the use of an alternative  
13 assignment system if the number of students assigned to the second campus of Alma del Mar  
14 Charter School (i) exceeds the number permitted by its charter, or (ii) is insufficient to support  
15 full enrollment. For the avoidance of doubt, nothing in this section is intended to preclude the  
16 adoption of policies that incorporate the New Bedford Public Schools policy on intra-district  
17 school transfer.

18 SECTION 2. For the purpose of the first sentence of section 5 of chapter 76 of the  
19 General Laws, the second campus of Alma del Mar Charter School shall be considered a public  
20 school of the City of New Bedford. The New Bedford Public Schools shall transfer all such  
21 information (including but not limited to documents, records, and files) to Alma del Mar Charter  
22 School as is required for the enrollment, transportation, and education of such students. For all  
23 other purposes, including but not limited to chapters 71A and 71B of the General Laws, Alma  
24 del Mar Charter School, including its second campus, shall be considered a Commonwealth  
25 Charter School.

26 SECTION 3. The provisions of chapter 30B of the General Laws and of section 53 of  
27 chapter 40 of the General Laws shall not apply to any action, expenditure, or obligation  
28 involving the transfer, hereby authorized, of (i) real property in the City of New Bedford known  
29 as 135 Shawmut Avenue between the City of New Bedford or its School Committee and Alma  
30 del Mar Charter School for all purposes for which the latter is authorized to operate under law, or  
31 (ii) any personal property mutually agreed by those same parties to be transferred with said real  
32 property. Notwithstanding any contrary provision in or interpretation of section 15A of chapter  
33 40 of the General Laws, the School Committee may transfer custody of 135 Shawmut Avenue to

34 the City of New Bedford pursuant to a simple majority vote stating that said property is no  
35 longer needed by the New Bedford Public Schools.

36 SECTION 4. Notwithstanding sections 89(o) and (ff) of chapter 71, Alma del Mar  
37 Charter School shall receive tuition payments for the second campus in accordance with the  
38 March 12, 2019 memorandum of understanding by and between the City of New Bedford and its  
39 School Committee and Alma del Mar Charter School, as approved by the Commissioner of  
40 Elementary and Secondary Education.

41 SECTION 5. Notwithstanding any general, special, or local law to the contrary, the City  
42 of New Bedford need not commission an appraisal or solicit proposals before transferring 135  
43 Shawmut Avenue to the Alma del Mar Charter School.

44 SECTION 6. This act shall take effect upon its passage, and shall be deemed to be  
45 repealed upon the termination of the March 12, 2019 memorandum of understanding by and  
46 between the City of New Bedford and its School Committee and Alma del Mar Charter School,  
47 as approved by the Commissioner of Elementary and Secondary Education.