

SENATE, NO. 2392

[Senate, April 26, 2010 - Recommended new draft from the committee on [Ways and Means](#) for Senate, No. 2335.]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND TEN

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

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to make technical changes to the Essex agricultural and technical high school, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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.** The second paragraph of section 3 of chapter 463 of the acts of 2004 is
- 2 hereby amended by striking out the second sentence and in inserting in place thereof the
- 3 following 2 sentences:- The North Shore vocational regional school and the Essex agricultural
- 4 and technical high school shall be dissolved and cease to exist on the July 1 preceding the
- 5 opening of the Essex North Shore agricultural and technical school. The temporary oversight

6 board, shall be dissolved and cease to exist upon convening of the new school committee as
7 established under section 7.

8 **SECTION 2.** Said chapter 463 is hereby amended by striking out section 4 and inserting
9 in place thereof the following section:-

10 Section 4. A 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 before 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.** The second paragraph of section 7 of said chapter 463 is hereby amended
21 by striking out the first sentence and inserting in place thereof the following sentence:- Upon
22 certification of the vote the commissioner or his designee shall fix the time and location of the
23 initial meeting of the school committee as soon as practicable and shall preside at the meeting
24 until the election of a chairperson.

25 **SECTION 4.** The first paragraph of section 14 of said chapter 463 is hereby amended by
26 striking out the second sentence and inserting in place thereof the following sentence:-
27 Employees of the Essex agricultural and technical high school, employees of the North Shore

28 Vocational Regional School District, and all displaced employees of Peabody school district who
29 shall become employees of the Essex North Shore agricultural and technical school as a result of
30 the merger shall suffer no impairment of employment rights held immediately before that date.

31 **SECTION 5.** Section 15 of said chapter 463, as amended by section 13 of chapter 304
32 of the acts of 2008, is hereby further amended by striking out the last sentence and inserting in
33 place thereof the following sentence:- Any remaining proceeds shall be used to reduce the
34 incurred indebtedness of members of the Essex North Shore Agricultural and Technical School
35 District as established under section 4.

36 **SECTION 6.** Said chapter 463 is hereby further amended by inserting after section 17
37 the following section:-

38 Section 17A. (a) Notwithstanding section 7 of chapter 268A of the General Laws, a
39 special state employee who is providing professional services to the Massachusetts School
40 Building Authority may have, directly or indirectly, a financial interest in a contract made by the
41 temporary oversight board established by section 3, the district established by section 6, the
42 school committee established by section 7, a member municipality as defined in section 1 or the
43 governing entities in place for the North Shore vocational regional school and the Essex
44 agricultural and technical high school, which is funded in whole or part by a school building
45 assistance grant made by the Authority relative to the Essex North Shore agricultural and
46 technical school; provided, however, that the special state employee discloses the relevant facts
47 and nature of the financial interest to the executive director of the Authority and receives the
48 written approval of the executive director of the Authority and the disclosure and approval are
49 filed with the state ethics commission.

50 (b) Notwithstanding section 5 of said chapter 268A, a former special state employee who has
51 provided professional services to the Authority in connection with the Essex North Shore
52 agricultural and technical school may act as agent or attorney for or accept compensation from
53 the temporary oversight board, district, school committee, member municipality or the governing
54 entities in place for the North Shore vocational regional school and the Essex agricultural and
55 technical high school, under a contract for professional services assigned by the Authority to the
56 entity for the provision of services relative to the Essex North Shore agricultural and technical
57 school.

58 (c) Upon the termination of the temporary oversight board, the Authority, at its sole
59 discretion, may assume any of the board's contracts for professional consulting services in
60 relation to the Essex North Shore agricultural and technical school, subject to additional terms
61 and conditions as it may deem appropriate, or it may enter new contracts for substantially the
62 same scope of services as set forth in the contracts of the board, Notwithstanding the section 18
63 of said chapter 268A, an individual who has provided professional consulting services to the
64 temporary oversight board may act as agent for or accept compensation from the Authority in
65 connection with the Essex North Shore agricultural and technical school. An individual who
66 provides services to the Authority shall be exempt from section 7 of said chapter 268A to the
67 extent and under the conditions provided in subsection (a).

68 **SECTION 7.** Said chapter 463 is hereby further amended by striking out section 18 and
69 inserting in place thereof the following section:-

70 Section 18. Sections 1, 12 and 14 shall take effect July 1 preceding the opening of the Essex
71 North Shore agricultural and technical school. Sections 6, 7, 8, 9, 10, 11, 13, 15, 16 and 17 shall

72 take effect following certification by the commissioner of education of the votes required by
73 section 4. This certification by the commissioner shall occur not later than July 1, 2010.

74 **SECTION 8.** Notwithstanding section 7 of chapter 268A of the General Laws, a special
75 state employee who is providing professional services to the Massachusetts School Building
76 Authority in connection with projects for the repair or replacement of school building roofs,
77 windows, or boilers, including ancillary work, which are approved as part of the Authority's
78 Qualified School Construction Bonds repair program, as authorized by section 137 of chapter 27
79 of the acts of 2009, may have, directly or indirectly, a financial interest in a contract funded in
80 whole or part by the Authority under said chapter 70B; provided, however, that the special state
81 employee discloses the relevant facts and nature of the financial interest to the executive director
82 of the Authority and receives the written approval of the executive director and the disclosure
83 and approval are filed with the state ethics commission.