

HOUSE No. 3853

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:

Christopher M. Markey

9th Bristol

Paul A. Schmid, III

8th Bristol

HOUSE No. 3853

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.]

The Commonwealth of Massachusetts

**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.