

Chapter 142 AN ACT RELATIVE TO PUBLIC EDUCATION IN MASSACHUSETTS.

Be it enacted, etc., as follows:

SECTION 1. Section 17 of chapter 6 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 56 and 57, the words ", the board of regents of higher education".

SECTION 2. Section 17A of said chapter 6, as so appearing, is hereby amended by inserting after the word "regulation", in line 4, the words:- , the secretary of education.

SECTION 3. Said chapter 6 is hereby further amended by striking out section 18A, as so appearing, and inserting in place thereof the following two sections:-

Section 18A. There shall be a committee on educational policy whose membership is established and powers, duties and responsibilities are defined under the provisions of chapter fifteen A.

Section 18B. (a) A public education nominating council is hereby established to advise the governor with respect to appointments to the board of education, the higher education coordinating council, and all boards of trustees of community colleges, state colleges, and the University of Massachusetts, other than the student and alumni trustees elected pursuant to section twenty-one of chapter fifteen A, and in the case of the university, pursuant to section one A of chapter seventy-five. Said council shall consist of not fewer than twelve nor more than fifteen members and shall act with the concurrence of at least a majority of its members.

(b) Members of the council shall be appointed to serve without compensation for terms coterminous with that of the governor. Members may be reimbursed for all expenses reasonably incurred in the performance of their duties. Any succeeding appointments and vacancies on the council shall be filled by the governor. A member of the council shall be considered a "person employed by the commonwealth for compensation" for the purposes of section thirteen of chapter fifty-five.

(c) The governor shall from time to time select one member to serve as chair of the council. The council shall adopt and make public by-laws for the conduct of its affairs. All records and deliberations with respect to persons under consideration as nominees or prospective nominees shall be held in confidence by the council but shall be available to the governor and the governor's representatives.

(d) Whenever a vacancy occurs or is expected to occur on the board of education, the higher education coordinating council or on a board of trustees, the governor shall notify the council. The council shall submit to the governor a list of persons who, in the judgment of the council, are qualified and willing to serve

as members or trustees. Said list shall include at least twice as many names as there are vacant positions. The governor may appoint any person whose name is forwarded to him by the council. If the governor declines to appoint a person from any such list, the council shall submit additional names for that vacancy.

(e) In considering candidates, the council shall seek persons of the highest quality who, by experience, temperament, ability and integrity will provide policy direction and oversight for the commonwealth's educational system and its community colleges, state colleges, and the University of Massachusetts. Candidates shall be evaluated according to law and without regard to race, religion, sex, age, national or ethnic origin, sexual orientation or political affiliation. There shall be persons from diverse cultural, racial, social, geographic and ethnic backgrounds on the council. No member of the council may be considered for appointment to any board while a member of the council.

SECTION 4. Section 2 of chapter 6A of the General Laws, as so appearing, is hereby amended by inserting after the word "regulation", in lines 3 and 4, the word:- , education.

SECTION 5. The first paragraph of section 1E of chapter 15 of the General Laws, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following three sentences:- There shall be in the department a board of education, in this section and in sections one F and one G called the board, consisting of the chairman of the student advisory council, established under this section, the chancellor of higher education, the director of research of the advisory council on education, and the secretary of education, ex officio, and eleven persons to be appointed by the governor, one of whom shall be a member of a labor organization affiliated with the State Labor Council, AFL-CIO and all others shall be residents of the commonwealth. Said chancellor and said director of research shall have no vote. The secretary of education shall serve as a voting member of the board, but shall not serve as chairperson of said board.

SECTION 6. Section 18A of said chapter 15, as so appearing, is hereby amended by striking out, in lines 7 to 9, the words "and the board of regents of higher education on behalf of any employee of its system of public institutions of higher education" and inserting in place thereof the words:- , the higher education coordinating council on behalf of any employee of said council, the state colleges or the community colleges, the board of trustees of the University of Massachusetts on behalf of any employee of said university.

SECTION 6A. Said section 1E of said chapter 15, as so appearing, is hereby further amended by striking out the first and second sentence and inserting in place thereof the following two sentences:- There shall be in the department a board of education, in this section and in sections one F and one G called the board, consisting of the chairman of the student advisory council, established under this