



# The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND ~~SIXTEEN~~ ~~XXXXXX~~ NINETEEN

## AN ACT RELATIVE TO THE OPERATION OF CHARTER SCHOOLS IN THE CITY OF NEW BEDFORD

*Whereas*, the General Court desires to support the March 12, 2019 memorandum of understanding by and between the City of New Bedford and its School Committee and Alma del Mar Charter School, as approved by the Commissioner of Elementary and Secondary Education, with respect to the opening of a second campus of Alma del Mar Charter School, and

*Whereas*, the deferred operation of this act would tend to defeat its purpose, which is to enable the second campus of Alma del Mar Charter School to open for the benefit of New Bedford students in the Fall of 2019, 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:*

SECTION 1. Notwithstanding any contrary provision in section 27C of chapter 29, section 89 of chapter 71, or section 5 of chapter 76 of the General Laws:

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

(b) The City of New Bedford, through its School Committee, and Alma del Mar Charter School may create, by mutual agreement and subject to the approval of the Commissioner of Elementary and Secondary Education, additional policies deemed necessary for the

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

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

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

Notwithstanding any contrary provision in or interpretation of section 15A of chapter 40 of the General Laws, the School Committee may transfer custody of 135 Shawmut Avenue to the City of New Bedford pursuant to a simple majority vote stating that said property is no longer needed by the New Bedford Public Schools.

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

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

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