



**CITY OF BOSTON
IN CITY COUNCIL**

IN THE YEAR TWO THOUSAND TWENTY THREE

HOME RULE PETITION

WHEREAS, The Boston School Committee is the governing body of the Boston Public Schools (BPS) and is responsible for defining the vision, mission, and goals of BPS; the annual operating budget; hiring, managing and evaluating the Superintendent; and setting and reviewing district policies and practices; *and*

WHEREAS, For over 200 years following the formation of the first 21-member Boston School Committee in 1789, citizens of Boston elected school committees with between five and 116 members; *and*

WHEREAS, Upon passage of Chapter 605 of the Acts of 1982, the Boston School Committee was restructured to resemble the composition of the Boston City Council with 13 members total, four members elected at-large and nine elected for each district; *and*

WHEREAS, In November 1989, an advisory ballot question asking Boston voters whether the elected school committee should be changed to a Mayor-appointed school committee narrowly passed by a margin of just 670 votes citywide; *and*

WHEREAS, In 1991, the City of Boston passed a Home Rule Petition, which went on to become Chapter 108 of the Acts of 1991, resulting in the first appointed school committee in December 1991 and the consolidation of the powers of the school committee into the office of the Mayor; *and*

WHEREAS, Every municipality in Massachusetts, except Boston, elects its school committee; *and*

WHEREAS, In November 2021, the voters of Boston overwhelmingly voted to change from the current appointed school committee structure to an elected school committee, with 79 percent—more than 99,000 voters, the majority in every precinct of every ward—of Boston voters supporting an elected body; *and*

WHEREAS, Elected school committees place the power of community representation on education matters back into communities, allowing for people from diverse backgrounds to have their voices heard and for those in power to be held accountable; ***NOW THEREFORE BE IT***

ORDERED, That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this order be, and hereby is, approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the

Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

**PETITION FOR A SPECIAL LAW RE:
AN ACT RELATIVE TO REORGANIZATION OF THE BOSTON SCHOOL
COMMITTEE**

Chapter 108 of the Acts of 1991 is hereby stricken and replaced with the following:

Section 1.

Notwithstanding sections one hundred and twenty-eight to one hundred and thirty-four, inclusive, of chapter forty-three of the General Laws or any other general or special law to the contrary, the school committee of the City of Boston as presently constituted is hereby restructured and thereafter each member shall be elected or appointed as provided herein.

Section 2.

Subject to the provisions of this act, the existing school committee of the City of Boston shall be dissolved and the composition of the school committee of the City of Boston shall transition to a thirteen member school committee to be phased in as follows:

- a) Starting September 6, 2023, two (2) non-voting student members shall be selected by the Boston Public Schools student population through a vote of the Boston Student Advisory Council. Both students will be seated with the school committee and allowed to participate in discussion.
- b) The first Tuesday after the first Monday following the municipal election year immediately following passage of this Act a thirteen (13) member school committee composed of nine (9) district members elected in November of the previous year and four (4) members appointed by the Mayor shall be seated. The nine (9) district seats shall correspond to the electoral districts for Boston City Councilors in accordance with districting and residency laws established in Chapter 605 in the Acts of 1982.
- c) The first Tuesday after the first Monday following the second municipal election year immediately following this Act a thirteen (13) member school committee composed of nine (9) district members and four (4) at-large members elected in November of the previous year shall be seated. The nine (9) district seats shall correspond to the electoral districts for Boston City Councilors in accordance with districting and residency laws established in Chapter 605 in the Acts of 1982.

The members of the school committee shall at all times during their terms of office be Boston

residents. No member of the school committee shall hold more than one elected office at the same time. This restriction shall apply to every office which is elected by the qualified voters of the Commonwealth or any political subdivision or part thereof.

Section 3.

All existing powers and duties hitherto exercised by the school committee of the City of Boston, including the powers and duties set forth in chapter 613 of the acts of 1987, shall henceforth be exercised by both the temporary hybrid elected/appointed school committee and, upon formation, the thirteen (13) member elected school committee.

Section 4.

The term of office of the members of the school committee of the City of Boston shall be two (2) years and shall commence on the first day of the municipal year, except for the student members. The student members shall have a term of office of one (1) year and shall commence on June 1 and expire on May 31. Upon the selection, whether by election or appointment, of all members, the City Clerk shall administer the oath of office to the school committee and they shall subscribe in the book kept by the City Clerk in accordance with the provisions of St. 1948, c. 452, s.11A, as amended by Acts of 1951, c. 376 s. 1.11A and as further amended by Acts of 1983, c.342, s.1. The office of each committee member shall become vacant upon the expiration of the term of said member. Any appointed member whose term of office shall expire may be considered for reappointment, but only if renominated by the nominating panel. All member offices excluding the student members shall automatically become vacant on the first Tuesday after the first Monday following the first Boston municipal election immediately following the passage of this Act regardless of unexpired terms. The vacant offices shall be filled by elected school committee members chosen during the Boston municipal elections immediately following passage of this Act. A president of the school committee shall be elected annually by its members at the first meeting in each municipal year. In the event that the president is unable to complete their term, a new president shall be elected by committee members for the unexpired term.

Section 5.

Notwithstanding any special or general law to the contrary, the members of the school committee of the City of Boston elected or appointed pursuant to this act shall not have the authority to hire personal staff; provided, however, that a paid administrative assistant may be appointed by the president of the school committee.

Section 6.

This section shall only apply to appointed members of the school committee of the City of Boston until the transition to a fully elected committee is complete. Upon which the nominating panel and all appointed members of the school committee of the City of Boston shall be disbanded.

There shall be in the City of Boston a nominating panel composed of thirteen (13) members

whose sole function shall be to nominate persons for consideration by the Mayor for appointment to the school committee. Representation on the panel and the selection of said members shall be as follows:

- a) Four parents of children in the Boston Public Schools system as follows: (i) one parent who shall be selected by the Citywide Parents Council; (ii) one parent who shall be selected by the Citywide Educational Coalition; (iii) one parent who shall be selected by the Boston Special Needs Parent Advisory Council; and (iv) one parent who shall be selected by the bilingual education citywide parent advisory council.
- b) One teacher in the Boston Public School system who shall be selected by the Boston Teachers Union from its membership.
- c) One headmaster or principal in the Boston Public School system who shall be selected by the Boston Association of School Administrators and Supervisors from its membership.
- d) One representative from the Boston business community as follows: one representative each shall be selected by the private industry council, the Boston Municipal Research Bureau, and Boston Chamber of Commerce from their respective memberships. Such representatives shall serve on a rotating basis as follows: the representative from the private industry council shall serve for the first year of the first term of the nominating panel; the representative from the Boston Municipal Research Bureau shall serve for the second year of the first term of the nominating panel; the representative from the Boston Chamber of Commerce shall serve for the first year of the second term of the nominating panel; and so forth.
- e) One president of a public or private college or university who shall be selected by the chancellor of higher education of the Commonwealth of Massachusetts.
- f) One person shall be the Commissioner of Education of the Commonwealth of Massachusetts.
- g) Four persons shall be appointed by the Mayor

The members of the nominating panel shall be selected from time to time no later than September thirtieth and shall serve for a term of two (2) years, except as otherwise provided in this section. In the event that any member does not complete his or her term for any reason, the person or entity who selected such member shall select another person in like manner to complete the unexpired term.

Section 7.

This section shall only apply to appointed members of the school committee of the City of Boston until the transition to a fully elected committee is complete, upon which the nominating panel shall be disbanded.

The nominating panel annually shall from among its membership elect a chairman who shall forthwith file a list of the name and addresses of the members of the panel with the City Clerk. The panel shall meet in public for the sole purpose of deliberating upon, hearing public comment with respect to, and finally selecting a list of nominees to be presented to the Mayor from time to time. Each nominee shall be a resident of Boston at the time of such nomination. The panel shall

strive to nominate individuals who reflect the ethnic, racial and socioeconomic diversity of the City of Boston and its public school population.

On the first Wednesday of October of every year the nominating panel shall convene to select not fewer than three (3) but no more than five (5) nominees for each appointed office of school committee members that shall become vacant on the first day of the next municipal year. No later than the first Monday in December of each year, the panel shall present to the Mayor a list containing the names and addresses of the said nominees for each term of office to commence on the first day of the next municipal year; provided, however, should the panel fail to present said list to the Mayor by said first Monday in December, the Mayor shall have the power to appoint any person they deems suitable to the office of school committee for the term to commence in the following January. The Mayor shall strive to appoint individuals who reflect the full diversity of the City of Boston, and its public school population. This includes but is not limited to ethnic, racial, and socioeconomic diversity as well as disability, and LGBTQIA+ representation.

Section 8.

Upon notice provided by the City Clerk that a vacancy exists in the office of any appointed school committee member due to death or resignation, the nominating panel shall convene within ten (10) days of such notice and shall, within thirty (30) days after so convening, select and present to the Mayor a list containing the names and addresses of not fewer than three (3) but not more than five (5) nominees. Within fifteen (15) days after such presentment, the Mayor shall appoint a school committee member to serve the unexpired term of the vacant office; provided, however, should the panel fail to present said list within said thirty (30) days, the Mayor shall have the power to appoint any person they deem suitable to the vacant office to serve said unexpired term. Upon notice provided by the City Clerk that a vacancy exists in the office of any student member appointed school committee member due to personal circumstances, illness, or resignation, the Boston Student Advisory Council the nominating panel shall convene within one (1) month of such notice and shall, select a replacement student member.

Section 9A.

If at any time a vacancy occurs in the office of school committee-at-large for any cause, the City Clerk shall forthwith notify the school committee thereof; and within fifteen days after such notification, the remaining school committee members shall choose, a school committee member-at-large for the unexpired term, whichever of the defeated candidates for the office of school committee member-at-large at the regular municipal election at which the school committee member-at-large were elected for the term in which the vacancy occurs, who are eligible and willing to serve, received the highest number of votes at such election, provided, however, that the defeated candidate shall have received no less than 20 percent of the total ballots cast for the seat being vacated. For the purpose of this section, the 20 percent minimum threshold shall be calculated as a ratio of votes obtained by the defeated candidate to ballots cast for the office being vacated.

If there is no such defeated candidate eligible and willing to serve, and the vacancy occurs more than one hundred and eighty days prior to a regular municipal election, the City Clerk shall forthwith notify the Boston City Council regarding the vacancy; at the first Boston City Council meeting after the notice has been read, the Boston City Council shall forthwith adopt an order calling a special preliminary election for the purpose of nominating a school committee member-at-large for the unexpired term, which election shall be held on a Tuesday, not less than sixty-two nor more than seventy-six days after the adoption of such order, as the Boston City Council shall in such order fix. The two candidates for school committee member-at-large receiving the greatest number of votes at the special preliminary election shall be deemed nominated and their names shall be placed on the ballot for the special municipal election, which election shall be held twenty-eight days following the special preliminary election.

Section 9B.

If a vacancy occurs in the office of district school committee member more than one hundred and eighty days prior to a regular municipal election, the City Clerk shall forthwith notify the Boston City Council regarding the vacancy; at the first Boston City Council meeting after the notice has been read, the Boston City Council shall forthwith adopt an order calling a special preliminary election for the purpose of nominating a district school committee member for the unexpired term, which election shall be held on a Tuesday, not less than sixty-two nor more than seventy-six days after the adoption of such order, as the Boston City Council shall in such order fix. The two candidates for district school committee member receiving the greatest number of votes at the special preliminary election shall be deemed nominated and their names shall be placed on the ballot for the special municipal election, which election shall be held twenty-eight days following the special preliminary election.

Section 10.

This act shall not be amended or repealed except by special act passed in conformance with article 89 of the amendments to the Constitution of the Commonwealth of Massachusetts.

Section 11.

The provisions of this act shall take effect immediately upon passage.

Filed in Council: February 15, 2023