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SENATE . . . . . No. 2559

Senate, October 21, 2021 -- Text of the Senate Bill relative to military spouse-licensure portability, education and enrollment of dependents (being the text of Senate, No. 2558, printed as amended)

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to military spouse-licensure portability, education and enrollment of dependents.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for military spouse-licensure portability, education and enrollment of dependents, 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. The first paragraph of section 9 of chapter 15A of the General Laws is hereby amended by striking out clause (t), as appearing in the 2020 Official Edition, and inserting in place thereof the following clause:- (t) issue regulations defining resident of the commonwealth and proof of the same for the purpose of admission and tuition expenses of public institutions of higher education and prepare uniform proofs of residence to be used by all public institutions; provided, however, that insofar as the Massachusetts Maritime Academy is designated a regional maritime academy by the United States Maritime Administration, residents of the states comprising the designated region and attending the Massachusetts Maritime Academy shall be considered Massachusetts residents for the purposes of admission and tuition; provided further, that a person who is: (i) a member of the armed forces of the United States and

stationed in the commonwealth on active duty pursuant to military orders; (ii) the spouse of a person who is a member of the armed forces of the United States and stationed in the commonwealth pursuant to military orders; or (iii) an unemancipated person whose parent or guardian is a member of the armed forces of the United States and stationed in the commonwealth pursuant to military orders, shall be considered Massachusetts residents for the purposes of admission and tuition.

SECTION 2. Said chapter 15A is hereby further amended by inserting after section 19½ the following section:-

Section 19¾. A person who is a member of the armed forces of the United States and stationed in the commonwealth pursuant to military orders shall be entitled to classification as an in-state student. Such a person shall not lose classification as an in-state student due to being transferred on military orders, being honorably discharged or retiring while the person is residing in the commonwealth after their acceptance for matriculation at a constituent unit of the state system of higher education in a course of study leading to an associate, bachelor or post-graduate degree.

The spouse of a person who is a member of the armed forces of the United States and stationed in the commonwealth pursuant to military orders shall be entitled to classification as an in-state student. Such a spouse shall not lose classification as an in-state student due to the member being transferred on military orders, being honorably discharged, retiring or dying while the spouse is residing in the commonwealth after the spouse’s acceptance for matriculation at a constituent unit of the state system of higher education in a course of study leading to an associate, bachelor or post-graduate degree.

An unemancipated person whose parent or guardian is a member of the armed forces of the United States and stationed in the commonwealth pursuant to military orders shall be entitled to classification as an in-state student. Such a person shall not lose classification as an in-state student due to their parent or guardian being transferred on military orders, being honorably discharged, retiring or dying while the person is in continuous attendance toward the degree for which the person is currently enrolled; or (ii) the person is residing in the commonwealth after their acceptance for matriculation at a constituent unit of the state system of higher education in a course of study leading to an associate, bachelor or post-graduate degree.

SECTION 3. Chapter 71 of the General Laws is hereby amended by inserting after section 6A the following section:-

Section 6B. (a) As used in this section, “military-connected student”, shall mean a student who is an unemancipated person whose parent or guardian is in (i) the active military service of the United States; or (ii) a full-time status during active service with the National Guard of any state.

(b) A military-connected student whose parent or guardian is being relocated to the commonwealth under military orders and is transferred to or is pending transfer to a military installation within the commonwealth shall be deemed a resident pupil of the applicable school district for the purposes of enrollment. A school district shall permit a military-connected student to enroll preliminarily by remote registration without charge and shall not require a parent or guardian of the military-connected student or the student themself to physically appear at a location within the district to register the student; provided, however, that a parent or guardian shall present evidence of military orders that the parent or guardian will be stationed in the

commonwealth during the current or following school year. To enroll a student, the parent or guardian shall use an address that is: (i) within the school district where the military-connected student is to be enrolled; and (ii): (A) a temporary on-base billeting facility; (B) a purchased or leased home or apartment; or (C) federal government or public-private venture off-base military housing. Proof of residency shall not be required at the time of the remote registration but shall be required within 10 days of the student's attendance in the school district.

SECTION 4. The first paragraph of section 38G of said chapter 71, as appearing in the 2020 Official Edition, is hereby amended by inserting after the definition of "Board" the following definition:-

"Military spouse certificate", a license to teach that the commissioner of education shall issue to a person who is the spouse of a service member who is: (i) in the armed forces of the United States, a reserve unit of the armed forces of the United States or the National Guard of another state; and (ii) serving in the commonwealth or in a bordering state while residing in the commonwealth, when such spouse holds a valid teaching certificate from another state in good standing but has not satisfied the certification testing requirements in this section. The military spouse certificate shall be valid for not less than 3 years. Service under a military spouse certificate shall be counted as service in acquiring professional teacher status, contingent upon the teacher passing the applicable certification tests necessary for acquiring professional teacher status.

SECTION 5. Said section 38G of said chapter 71, as so appearing, is hereby further amended by inserting after the word "temporary," in line 63, the following words:- military spouse.

SECTION 6. Section 94 of said chapter 71, as so appearing, is hereby amended by adding the following subsection:-

(u) For the purposes of this section, an unemancipated person whose parent or guardian is a member of the armed forces of the United States shall be considered a resident of the commonwealth and a resident of the applicable school district if: (i) the member is being relocated to or within the commonwealth under military orders and is transferred to or is pending transfer to a military installation in the commonwealth; or (ii) the unemancipated person was previously enrolled in high school in the commonwealth and does not reside in the commonwealth due to the person's parent's or guardian's military deployment or transfer.

SECTION 7. Said chapter 71 is hereby further amended by adding the following section:-

Section 98. (a) For the purposes of this section, "military-connected student" shall mean a student who is an unemancipated person whose parent or guardian is: (i) a current, reserve or former member of the United States Army, United States Navy, United States Marine Corps, United States Coast Guard, Army Nurse Corps, Navy Nurse Corps, United States Air Force, Air National Guard or Army National Guard; or (ii) a member of a military or reserve force under clause (i) who was killed in the line of duty.

(b) The department shall designate a school as a Purple Star Campus if the school applies and qualifies for the designation under this section.

(c) To qualify as a Purple Star Campus, a school shall:

(i) designate a staff member as a military liaison, whose duties shall include: (A) identifying military-connected students enrolled at the school; (B) serving as the point of contact

between the school and military-connected students and their families; (C) determining appropriate school services available to military-connected students; and (D) assisting in coordinating school programs relevant to military-connected students;

(ii) maintain on the school internet website an easily accessible website that includes resources for military-connected students and their families, including information regarding: (A) school relocation, enrollment and registration, including the transferring of records; (B) academic planning, course sequences and advanced classes available at the school; and (C) counseling and other support services available for military-connected students enrolled at the school;

(iii) maintain a transition program led by students, where appropriate, that assists military-connected students in transitioning into the school;

(iv) offer professional development for staff members on issues related to military-connected students; and

(v) offer at least 1 of the following initiatives: (A) a resolution showing support for military-connected students and their families; (B) recognition of the Month of the Military Child or Military Family Month with relevant events hosted by the school; or (C) a partnership with a local military installation that provides opportunities for active-duty military members to volunteer at the school, speak at an assembly or host a field trip.

(d) To comply with subsection (c), a school may partner with the school district to provide: (i) an internet website required under said subsection (c) if the school does not have an internet website; (ii) professional development required under said subsection (c); or (iii) an initiative required under subsection (c).

(e) The department shall promulgate rules and regulations necessary to implement this section.

SECTION 8. Section 1B of chapter 112 of the General Laws, as amended by section 48 of chapter 39 of the acts of 2021, is hereby further amended by striking out subsections (d) and (e) and inserting in place thereof the following 2 subsections:-

(d) Notwithstanding any general or special law to the contrary, the commissioner of public health and each of the boards of registration and examination under the supervision of the commissioner shall, upon presentation of satisfactory evidence by an applicant for certification or licensure, expedite the issuance of a license or certification to an applicant: (i) who is certified or licensed in a state other than the commonwealth; (ii) whose spouse is a member of the armed forces in the United States; (iii) whose spouse is the subject of a military transfer to the commonwealth; and (iv) who left employment to accompany the person's spouse to the commonwealth. The procedure shall include, but not be limited to, not later than 30 days following the receipt of an application: (i) issuing the applicant a license or certificate; (ii) issuing the applicant a temporary license or certificate to allow the applicant to perform services while completing any specific requirements that may be required in the commonwealth but were not required in the state in which the applicant was licensed or certified; (iii) providing notification to the applicant that the applicant's experience does not satisfy the requirements for licensure and specify the criteria or requirements that the applicant failed to meet and the basis for that determination; or (iv) providing notification to the applicant that there is insufficient information to make the determination and that specifies the needed information and outstanding materials.

(e) Notwithstanding any general or special law to the contrary, the commissioner of the division of occupational licensure and each of the boards of registration and examination under the supervision of the commissioner shall, upon the presentation of satisfactory evidence by an applicant for certification or licensure, expedite the issuance of a license or certification for the applicant: (i) who is certified or licensed in a state other than the commonwealth; (ii) whose spouse is a member of the armed forces in the United States; (iii) whose spouse is the subject of a military transfer to the commonwealth; and (iv) who left employment to accompany a spouse to the commonwealth. The procedure shall include, but not be limited to, not later than 30 days following the receipt of an application: (i) issuing the applicant a license or certificate; (ii) issuing the applicant a temporary license or certificate to allow the applicant to perform services while completing any specific requirements that may be required in the commonwealth but were not required in the state in which the applicant was licensed or certified; (iii) providing notification to the applicant that the applicant's experience does not satisfy the requirements for licensure and specify the criteria or requirements that the applicant failed to meet and the basis for that determination; or (iv) providing notification to the applicant that there is insufficient information to make the determination and that specifies the needed information and outstanding materials.

SECTION 9. Chapter 115 of the General Laws is hereby amended by inserting after section 2C the following section:-

Section 2D. (a) To the extent practicable, the commissioner shall make information on civilian licensure and certification opportunities available to members of the armed forces of the United States, members of the armed forces of the commonwealth and veterans. The information shall be made available in a format that allows the member or veteran to evaluate the suitability

of member's or veteran's military training and skills to the corresponding requirements of civilian licenses and certifications available in the commonwealth and shall include, but not be limited to, information on: (i) the civilian occupational equivalents of military or other occupational specialties based on the corresponding branch of the military; (ii) civilian license or certification requirements, including examination requirements; (iii) the availability and opportunities for use of educational benefits; (iv) corresponding training; and (v) continuing education opportunities that provide a pathway to licensure or certification.

The information required under this section shall be made available by the commissioner to members of the armed forces of the United States, members of the armed forces of the commonwealth and veterans in a manner consistent with the Transition Goals Plans Success program administered under the Transition Assistance Program pursuant to 10 U.S.C. 1144.

(b) The commissioner shall, for purposes of providing educational assistance for licensure and certification to members of the armed forces of the United States, members of the armed forces of the commonwealth and veterans, and in compliance with national security and state and federal privacy requirements, compile information related to military training and skills including, but not limited to: (i) course training curricula and syllabi; (ii) levels of military advancement; (iii) professional skill development; and (iv) specific civilian occupational equivalents of military or other occupational specialties. To carry out this section, the commissioner shall make such information available to the division of occupational licensure, the executive office of public safety and security, the department of public health, the executive office of labor and workforce development, the registry of motor vehicles and any other agency approved by the commissioner. The commissioner shall make the information publicly available on the department's website.

SECTION 10. Section 6B of chapter 71 of the General Laws shall not affect or impair any agreement in effect upon the effective date of this act that designates a school district for enrollment of a military-connected student and any such agreement may be amended or renewed subsequent to the effective date of this act.