

HOUSE No. 3540

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. Stanley

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 United States Space Force and military childcare innovation, learning, and development.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/18/2023</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>1/31/2023</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/16/2023</i>
<i>Shirley B. Arriaga</i>	<i>8th Hampden</i>	<i>9/19/2023</i>

HOUSE No. 3540

By Representative Stanley of Waltham, a petition (accompanied by bill, House, No. 3540) of Thomas M. Stanley, David F. DeCoste and Patrick Joseph Kearney relative to military childcare innovation, learning, and development. Veterans and Federal Affairs.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to the United States Space Force and military childcare innovation, learning, and development.

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. Chapter 6 of the General Laws is hereby amended by inserting after section
2 15QQQQQQ the following section:-

3 Section 15RRRRRR. The governor shall annually set apart December 19, the anniversary
4 of the founding of the United States Space Force, in recognition of its distinguished history and
5 spacefaring service, and shall issue a proclamation recommending that the day be observed by
6 the people in the display of the flag and in appropriate public exercises, commemorative of the
7 services and sacrifices of the citizens of the commonwealth who have served and continue to
8 serve in the defense of the united states.

9 SECTION 2. Section 7, clause 43 part (b) of Chapter 4 of the General Laws is hereby
10 amended by adding after the words "coast guard" the following: "United States NOAA Corps,
11 United States Public Health Service, United States Space Force".

12 SECTION 3. Section 6A of Chapter 2 of the General Laws, as appearing in the 2018
13 official edition is hereby amended by adding at the end the following paragraph:-

14 "(H) all military service members (army, air force, coast guard, marine corps, navy,
15 national guard, reserves, space force) residing in Massachusetts, and performing military duty
16 under official orders, who are killed while in an active duty status, will be honored by having
17 flags throughout the Commonwealth flown at half-staff from the day of death until sunset of the
18 day of interment in accordance with such orders or instructions as may be issued by, or at the
19 direction of the governor. The remains of POWS/MIAS repatriated within the Commonwealth
20 shall have the flag half-staffed on the day of arrival within the Commonwealth through the day
21 of internment. Additionally, flags will be half-staffed each year on national POW/MIA day,
22 observed across the nation on the third Friday of September, from sunrise to sunset".

23 SECTION 4. Section 78 (a) of Chapter 10 of the General Laws, as appearing in the 2018
24 official edition is hereby amended by inserting after the words "United States Air Force Reserve"
25 the following words:

26 "United State Space Force".

27 SECTION 5. Section 1 of Chapter 15E of the General Laws, as appearing in the 2021
28 official edition is hereby amended by removing the word "sections" in line 4 and inserting in
29 place thereof the following:

30 "Chapters".

31 And in line 44 by inserting after the words "air force" the following:

32 "Space Force".

33 SECTION 6. Chapter 15D of the General Laws, as appeared in the 2021 Official Edition,
34 is hereby amended by inserting section 7 the following section:-

35 “Section 7a. Military Childcare in Your Neighborhood. Notwithstanding any general or
36 special law, rule or regulation to the contrary, the provisions of sections 6 and 7 of this chapter
37 shall not apply to a program on a military base or federal property, or a facility licensed or
38 certified as a family child care provider by a branch of the United States Department of Defense
39 or by the United States Coast Guard.”

40 SECTION 7. Section 51B of Chapter 119 of the Generals Laws, as appearing in the 2020
41 Official Edition, is hereby amended by adding the following paragraph (s) to read as follows:

42 “(s) If a report is accepted as a credible allegation of domestic abuse or child abuse or
43 neglect as defined by the department of children and families, the department shall collect
44 information concerning the military status of the spouse, intimate partner, parent or guardian of
45 the child who is the subject of the report and shall share information about the allegation with the
46 appropriate military authorities in accordance with the memorandum of understanding described
47 in section 51D.”

48 SECTION 8. Section 51D of Chapter 119, as appearing in the 2020 Official Edition, is
49 hereby amended by adding the following paragraph immediately following the paragraph
50 beginning with “Each area director shall file a monthly report”:

51 “Each area director shall, on behalf of the department, enter into a memorandum of
52 understanding with the military family advocacy program at a local military installation with
53 respect to child abuse and neglect investigations. For the purposes of this section, "military
54 family advocacy program" shall mean the program established by the United States Department

55 of Defense to address child abuse and neglect in military families. Such memorandum of
56 understanding shall establish procedures and protocols for matters including, but not limited to,
57 (i) identifying an individual credibly alleged to have committed abuse or neglect as military
58 personnel; (ii) identifying appropriate circumstances for reporting to the military family
59 advocacy program without reducing the likelihood of reporting or creating undue risk to the
60 health or wellbeing of the spouse, intimate partner, or child; (iii) reporting to a military family
61 advocacy program when an investigation implicating military personnel has been initiated; and
62 (iv) maintaining confidentiality requirements under state and federal law.”

63 SECTION 9. Chapter 76 of the General Laws is hereby amended by inserting after
64 section 12C the following section:

65 "Section 12d. (a) students who are the dependent children of a member of the active
66 uniformed military services of the united states on full-time active duty status and students who
67 are the dependent children of a member of the military reserve on active duty orders shall be
68 eligible for admission to the school district of their choice regardless of the capacity of the
69 district. Students shall be eligible if: 1. At least one parent of the student has a department of
70 defense-issued identification card; and 2. At least one parent can provide evidence that he or she
71 will be on active duty status or active duty orders, meaning the parent will be temporarily
72 transferred in compliance with official orders to another location in support of combat,
73 contingency operation, or a natural disaster requiring the use of orders for more than thirty (30)
74 consecutive days. (b) notwithstanding any other provision of this chapter, a school district of
75 residence shall not prohibit the transfer of a pupil who is a child of an active military duty parent.
76 (c) for purposes of continuity of education, a student who transfers pursuant to this section may

77 remain at the school chosen by the parent until the student completes the highest grade level at
78 the school."

79 SECTION 10. Section 1 of Chapter 151-C of the General Laws, as appearing in the 2021
80 official edition, is hereby amended by adding after paragraph (e) the following paragraph:

81 (f) The term "military-connected student" means a student who is an unemancipated
82 person whose parent or guardian is: (i) a current, reserve, or former member of the United States
83 Army, United States Navy, United States Marine Corps, United States Coast Guard, United
84 States Space Force, Army Nurse Corps, Navy Nurse Corps, United States Air Force, Air
85 National Guard or Army National Guard; or (ii) a member of a military or reserve force under
86 clause (i) who was killed in the line of duty.

87 SECTION 11. Paragraph (a) of Section 2 of Chapter 151-C of the General Laws, as
88 appearing in the 2021 official edition, is hereby amended by inserting after the words "color" the
89 following words:-

90 military affiliation or status as a military-connected student.

91 SECTION 12. Section 2 of Chapter 151-C of the General Laws, as appearing in the 2021
92 official edition, is hereby amended by adding after paragraph (g) the following paragraph:

93 (h) To exclude from admission any student because said student is a military-connected
94 student.

95 SECTION 13. The General Laws are hereby amended by inserting after chapter 71B the
96 following chapter:

97 CHAPTER 71C.

98 MILITARY-CONNECTED STUDENTS.

99 Section 1. Definitions. For the purposes of this chapter, “military-connected student”
100 shall mean a student who is an unemancipated person whose parent or guardian is: (i) a current,
101 reserve or former member of the United States Army, United States Navy, United States Marine
102 Corps, United States Coast Guard, United States Space Force, Army Nurse Corps, Navy Nurse
103 Corps, United States Air Force, Air National Guard or Army National Guard; or (ii) a member of
104 a military or reserve force under clause (i) who was killed in the line of duty.

105 Section 2. Equal rights and educational opportunity. Notwithstanding any other provision
106 of law, military-connected students shall have equitable access to academic courses and
107 programs and to extracurricular academic, athletic, and social programs.

108 Section 3. Military Parent Student Support. (a) Beginning with the 2024-2025 school year
109 and each school year thereafter, each public school shall provide appropriate support services, as
110 specified in subsection (b), to military-connected students whose parent or guardian is a member
111 of the armed forces being called to and while serving on active duty.

112 (b) If a parent or guardian of a military-connected student is called or ordered to active
113 duty by the Federal Government under the provisions of 10 U.S.C. (relating to armed forces) or
114 32 U.S.C. (relating to National Guard), the parent or guardian may notify the school district of
115 the activation to active duty and request additional supports for the student under this section.
116 Upon receiving notification from the parent or guardian of activation, the school district shall
117 provide the student and parent or guardian with the following:

118 (1) Access to the following:

119 (i) a certified school counselor;

120 (ii) a certified school psychologist;

121 (iii) school social workers; or

122 (iv) certified home and school visitors.

123 (2) Information regarding the following:

124 (i) Existing Federal and State military support services.

125 (ii) Any other service, agency, or resource necessary to support or provide assistance to
126 the student, parent, or guardian.

127 (c) The Department of Elementary and Secondary Education shall coordinate with the
128 military division of the commonwealth to carry out this section, including posting information
129 about the requirements of this section to their publicly accessible Internet websites and providing
130 informational materials for use by school districts to inform parents and guardians of the
131 supports available under subsection (b)(2).

132 Section 4. Exceptional Family Member Parent Student Support. (a) Whenever a due
133 process hearing is held pursuant to the provisions of the "Individuals with Disabilities Education
134 Act (IDEA)," 20 U.S.C. s.1400 et. seq., or regulations promulgated thereto, regarding the
135 identification, evaluation, reevaluation, classification, educational placement, the provision of a
136 free, appropriate education, or disciplinary action, of a military-connected student with a
137 disability, the school district shall have the burden of proof and the burden of production.

138 (b) In any action or proceeding brought under Part B or Part C of IDEA, a hearing officer
139 may, in his or her discretion, may award reasonable expert witness fees as part of the costs to a
140 prevailing party who is the parent of a military-connected student with a disability.

141 Section 5. National Guard and Reserve Parent Student Support. (a) Notwithstanding any
142 other provision of law, a military-connected student who is a child of a member of the National
143 Guard and Reserve shall be afforded the same rights as a student of an active-duty military
144 family under chapter 108 of the acts of 2012, known as the Interstate Compact on Educational
145 Opportunity for Military Children Act, if a parent is required to move to perform the parent's
146 responsibilities in the service of the National Guard or Reserve resulting in the student having to
147 transfer from a public school in one state to a public school in another state.

148 Section 6. Military-connected Student Identifier. (a) A school district shall notify a
149 classroom teacher of the enrollment of a military-connected student in any class taught by the
150 teacher. The purpose of the notification is to provide the teacher with the opportunity to monitor
151 a military-connected student's level of academic engagement and to provide additional academic
152 support to the student as needed.

153 (b) A parent or guardian of a military-connected student may opt their child out of being
154 identified to the teacher as a military-connected student, pursuant to subsection a of this section.
155 At the request of a parent or guardian, the school district shall not notify a classroom teacher of
156 the enrollment of the military-connected student pursuant to this section.

157 SECTION 14. The opening paragraph of Section 3(a) of Chapter 15-D of the General
158 Laws, as appearing in the 2021 official edition, is hereby amended by inserting after the words
159 "the Massachusetts Early Intervention Consortium;" the following words:-

160 “a provider licensed or certified as a family child care provider by a branch of the United
161 States Department of Defense or by the United States Coast Guard chosen by the commissioner;
162 a representative of a military child development center that is operated by a branch of the United
163 States Department of Defense at which child care services are provided for members of the
164 Armed Forces chosen by the commissioner; the Adjutant General of the Massachusetts National
165 Guard or a designee;”

166 SECTION 15. The third paragraph of Section 1G of Chapter 15 of the General Laws, as
167 appearing in the 2021 official edition, is hereby amended by striking the words “and 8 of whom
168 shall” and inserting in place thereof the following words: “1 of whom shall be selected from a
169 list of 3 nominees offered by the state council of the Interstate Commission on Educational
170 Opportunity for Military Children; and 7 of whom shall”

171 SECTION 16. The eighth paragraph of Section 1G of Chapter 15 of the General Laws, as
172 appearing in the 2021 official edition, is hereby amended by inserting after the words “six of
173 whom shall be parents of children with special needs” the following words:-

174 “and one of whom shall be a parent of a military-connected student with special needs”

175 SECTION 17. The ninth paragraph of Section 1G of Chapter 15 of the General Laws, as
176 appearing in the 2021 official edition, is hereby amended by inserting after the words “school
177 administrators and officials” the following words:-

178 “military-connected students,”

179 SECTION 18. Section 15 of Chapter 33 of the General Laws, as appearing in the 2021
180 official edition, is hereby amended by adding at the end the following paragraph:-

181 (j) There shall be a military spouse liaison appointed by the adjutant general who shall
182 conduct outreach to and advocate on behalf of military spouses in the Commonwealth. The
183 duties of the military spouse liaison shall include, but not be limited to, providing assistance and
184 information to military spouses seeking professional licenses and credentials or other
185 employment in the commonwealth; coordinating research on issues facing military spouses and
186 creating informational materials to assist military spouses and their families; examining barriers
187 and provide recommendations to assist spouses in accessing high-quality child care and
188 developing resources in coordination with military installations to increase access to high-quality
189 child care for military families; and developing, in coordination with the division of professional
190 licensure, a common form for military spouses to complete highlighting specific skills,
191 education, and training to help spouses quickly find meaningful employment in relevant
192 economic sectors. The military spouse liaison shall periodically report on the work of the liaison
193 to the relevant standing committees of the legislature and the joint committee on veterans and
194 military affairs and participate in policy development relating to military spouses.