

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

John C. Velis

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 to enhance access, inclusion, support and equity for military connected families.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>John C. Velis</i>	<i>Hampden and Hampshire</i>	
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/15/2025</i>

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to enhance access, inclusion, support and equity for military connected families.

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 1 of the General Laws is hereby amended by striking out Section 2
2 and inserting in place thereof the following section:-

3 Section 2. (a) The sovereignty and jurisdiction of the commonwealth shall extend to all
4 places within its boundaries subject to the concurrent jurisdiction granted over places ceded to or
5 acquired by the United States.

6 (b)The jurisdiction of the court shall be deemed concurrent with that of a federal court
7 sitting in the state over proceedings involving a violation of federal law committed by a child on
8 a military installation of the United States Department of Defense if:

9 (1) The United States Attorney, or the federal court waives exclusive jurisdiction; and

10 (2) The Violation of federal law is also a crime under state law.

11 SECTION 2. Said Chapter 1 of the General Laws is hereby amended by striking out
12 section 7A and inserting in place thereof the following section:-

13 Section 7A. (a) The governor, if he finds that the public interest will benefit thereby, may
14 accept on behalf of the commonwealth retrocession of all or part of the legislative jurisdiction
15 over property within the commonwealth over which such jurisdiction has been ceded to the
16 United States by the commonwealth. Such acceptance of retrocession shall take effect in each
17 case upon the written acceptance by the governor of a notice of retrocession signed by the duly
18 authorized officer or agent of the United States having supervision and control over the property
19 being retroceded. A copy of the notice of retrocession and the written acceptance thereof shall be
20 filed with the state secretary and the city or town clerk of the city or town in which the affected
21 property is located, and in the case of property located in more than one city or town, with the
22 clerk of each municipality in which the property is located.

23 (b) The United States or its delegee shall send a written request for the transfer of
24 jurisdiction from the United States to the state for all juvenile matters occurring on a military
25 installation as defined in Section 1 of Chapter 15E of the General Laws or portion of a military
26 installation. The metes and bounds shall be clearly identified in said written request.

27 (c) The Governor shall transmit a written reply to the United States or its delegee,
28 accepting the proposed transfer of jurisdiction request pursuant to subsection (b).

29 (d) The Governor shall cause a duly authenticated copy of the United States' request
30 pursuant to subsection (b), the Governor's acceptance pursuant to subsection (c), and the metes
31 and bounds of the military installation or portion of the military installation to be filed together
32 with the state secretary and the chief executive officer or the chief administrative officer of the
33 municipality in which the military installation is located.

34 SECTION 3. Section 98 of Chapter 41 of the General Laws is hereby amended by
35 adding the following paragraph:-

36 It shall be the responsibility of any police officer to ascertain whether a military
37 protective order registered in the Federal Bureau of Investigation's National Crime Information
38 Center database has been issued against any person subject to arrest who is a member of, or
39 otherwise associated with, the armed forces of the United States. The police officer shall notify
40 the law enforcement agency which entered the military protective order into the National Crime
41 Information Center database that the law enforcement officer has probable cause to believe the
42 service member has violated the military protective order.

43 SECTION 4. Section 98G of said Chapter 41 is hereby amended by adding the following
44 paragraph:-

45 It shall be the responsibility of any police officer to ascertain whether a military
46 protective order registered in the Federal Bureau of Investigation's National Crime Information
47 Center database has been issued against any person subject to arrest who is a member of, or
48 otherwise associated with, the armed forces of the United States. The police officer shall notify
49 the law enforcement agency which entered the military protective order into the National Crime
50 Information Center database that the law enforcement officer has probable cause to believe the
51 service member has violated the military protective order.

52 SECTION 5. Section 6B of Chapter 71 of the General Laws is hereby amended by adding
53 the following subsection:

54 (c) If the enrolling military-connected student is transferring with a Section 504 plan, an
55 individualized family service program, or an individualized education program as defined in 20

56 USC § 1401 (14), the local school district shall take the necessary steps including, but not limited
57 to, the transfer of records and any prior evaluations, the performance of reevaluations, if
58 necessary, and meetings to ensure that comparable services are in place when the military-
59 connected student arrives in this state. If a reevaluation is deemed necessary, the reevaluation
60 shall occur within 30 calendar days after the date of arrival, subject to the informed parental
61 consent of the parent or legal guardian as provided by rule of the Board of Special Education
62 Appeals.

63 SECTION 6. Section 2A of Chapter 71B of the General Laws is hereby amended by
64 adding the following subsection:

65 (f) Witness fees incurred by parents, who are members of the Armed Forces, in due
66 process hearings shall be reimbursed by the local school district if the hearing officer finds in
67 favor of said parent.

68 SECTION 7. Said Chapter 71B of the General Laws is hereby amended by adding the
69 following section after Section 3A:

70 Section 3B. Notwithstanding any provision of this Chapter, the school district shall have
71 the burden of proof, including the burden of persuasion and production, whenever it is a party to
72 a due process hearing regarding the identification, evaluation, reevaluation, classification,
73 educational placement, disciplinary action, or provision of a free appropriate public education for
74 a military-connected student with a disability.

75 SECTION 8. Chapter 76 of the General Laws is hereby amended by adding the following
76 section:

77 Section 12d. (a) a military-connected student as defined in Section 6B(a) of Chapter
78 71 shall be eligible for admission to the school district of their choice regardless of the capacity of
79 the district if: (i) At least one parent of the student has a department of defense-issued
80 identification card; and (ii) At least one parent can provide evidence that he or she will be on
81 active duty status or active duty orders, meaning the parent will be temporarily transferred in
82 compliance with official orders to another location in support of combat, contingency operation,
83 or a natural disaster requiring the use of orders for more than thirty (30) consecutive days.

84 (b) notwithstanding any other provision of this chapter, a school district of residence shall
85 not prohibit the transfer of a military-connected student.

86 (c) for purposes of continuity of education, a military-connected student who transfers
87 pursuant to this section may remain at the school chosen by the parent until the student
88 completes the highest grade level at the school.

89 SECTION 9. Section 1 of Chapter 209A is hereby amended by inserting after the
90 definition of "law officer" the following definition:-

91 "Military Protective Order", an order issued against a current member of United States
92 Armed Forces, the Massachusetts National Guard, or the national guard of another state or
93 territory by the defendant's commanding officer, on a form prescribed by the United States
94 Department of Defense.

95 SECTION 10. Section 4 of said Chapter 209A is hereby amended by adding the
96 following paragraph:-

97 Military protective orders shall be admissible evidence in proceedings under this chapter
98 to establish a relevant pattern or course of conduct upon a plaintiff filing a complaint for
99 temporary orders.