



Acts
2008

CHAPTER 27 AN ACT REORGANIZING CERTAIN EDUCATION AGENCIES.

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. Section 17A of chapter 6 of the General Laws, as appearing in section 1 of chapter 19 of the acts of 2007, is hereby amended by inserting after the word “finance,”, in the second sentence, the following words:- the secretary of education,.

SECTION 2. Section 2 of chapter 6A of the General Laws, as appearing in section 3 of chapter 19 of the acts of 2007, is hereby amended by inserting after the word “finance,”, in the first sentence, the following word:- education,.

SECTION 3. Chapter 6A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 14 [Repealed] the following section:-

§ 14A. Executive office of education

Section 14A. (a) There shall be an executive office of education, which shall include the departments of early education and care, elementary and secondary education, and higher education.

(b) The executive office of education shall be under the supervision and control of a secretary of education, in this section called the secretary. The secretary shall be appointed by and serve at the pleasure of the governor, shall receive such salary as the governor determines, and shall devote full time to the duties of her office.

(c) The secretary shall have the following duties and powers: (1) analyze the present and future goals, needs, and requirements of public education in the commonwealth; (2) pursuant to chapters 15A, 15D, 69, and 75, review and approve mission statements and 5-year master plans encompassing each sector of the public education system, including early education and care, elementary and secondary education, and public higher education. These mission statements and master plans shall take into account the secretary’s analysis of goals, needs, and requirements and shall be designed to achieve a well coordinated system of education from early childhood through the university level and beyond; (3) approve the appointments of the commissioners of early education and care, elementary and secondary education, and higher education; (4) make recommendations to the secretary of administration and finance and the governor concerning the funding of education in the commonwealth and assist in preparing budget proposals to be put before the legislature on behalf of

the boards and departments of early education and care, elementary and secondary education, and higher education; (5) serve as the governor's advisor on educational issues and represent the interests of education in the governor's cabinet; and (6) serve as an ex officio voting member of the boards of early education and care, elementary and secondary education, and higher education and the board of trustees of the University of Massachusetts, and facilitate coordination and communication between and among those boards.

(d) The secretary may, subject to appropriation, appoint such other employees as she deems necessary to carry out her duties and responsibilities, shall be provided with adequate offices, and may expend sums for other necessary expenses of the executive office.

(e) Nothing in this section shall be construed as conferring any powers upon the secretary with respect to the boards or departments of early education and care, elementary and secondary education, and higher education except as set forth in this section or as otherwise expressly provided by law.

SECTION 4. The title of chapter 15 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word "OF" the following words:- ELEMENTARY AND SECONDARY.

SECTION 5. Chapter 15, as so appearing, is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. There shall be within the executive office of education a department of elementary and secondary education, in this chapter called the department, which shall be under the supervision and management of the commissioner of elementary and secondary education, in this chapter called the commissioner.

SECTION 6. Section 1E of chapter 15, as so appearing, is hereby amended by striking out the first two sentences and inserting in place thereof the following sentences:- There shall be in the department a board of elementary and secondary education, in this chapter called the board, which shall consist of the chairman of the student advisory council established under this section, the secretary of education, in this chapter called the secretary, or her designee, and 9 members appointed by the governor. The 9 members appointed by the governor shall consist of 1 representative of a labor organization selected by the governor from a list of 3 nominees provided by the Massachusetts State Labor Council, AFL-CIO; 1 representative of business or industry selected by the governor with a demonstrated commitment to education; 1 representative of parents of school children selected by the governor from a list of 3 nominees provided by the Massachusetts Parent Teachers Association; and 6 additional members.

SECTION 7. Section 1E of chapter 15, as so appearing, is hereby amended by striking out the fourth and fifth sentences and inserting in place thereof the following sentences:- Not more than two members of said board shall be employed on a full-time basis by any agency of the commonwealth. Of

the 9 members appointed by the governor, 1 shall be appointed for a term that is coterminous with that of the governor. Each of the remaining 8 members shall be appointed for a term of 5 years. Vacancies shall be filled consistent with the requirements of section 10 of chapter 30.

SECTION 8. Section 1E of chapter 15, as so appearing, is hereby amended by inserting after the first sentence in the third paragraph the following sentence:- Members of the board who are employed on a full-time basis by the commonwealth shall be ineligible to serve as chairperson.

SECTION 9. Chapter 15, as so appearing, is hereby amended by striking out section 1F and inserting in place thereof the following section:-

Section 1F. Commissioner of elementary and secondary education; appointment; duties; salary

Section 1F. Whenever a vacancy occurs in the position of commissioner, the board shall by a two-thirds vote of all its members submit to the secretary, for the secretary's approval, a recommended candidate to fill that vacancy. The secretary may appoint the recommended candidate as commissioner. If the secretary declines to appoint the candidate, the board shall submit a new candidate for consideration. The secretary may appoint the commissioner only from candidates submitted to the secretary by the board.

The board may in its discretion by majority vote of all its members remove the commissioner. The commissioner shall be the secretary to the board, its chief executive officer and the chief state school officer for elementary and secondary education. The commissioner shall receive a salary to be determined by the board.

The board may delegate its authority or any portion thereof to the commissioner whenever in its judgment such delegation may be necessary or desirable. The commissioner shall exercise such delegated powers and duties with the full authority of the board.

SECTION 10. Section 1 of chapter 15A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the third sentence in the fourth paragraph, at line 32, the following sentence:- All mission statements shall be subject to review and approval by the secretary of education, in this chapter called the secretary.

SECTION 11. Section 2 of chapter 15A is hereby repealed.

SECTION 12. Section 3A of chapter 15A, as so appearing, is hereby amended by inserting after the words "in consultation with", in line 25, the following words:- the secretary and.

SECTION 13. Subsection (a) of section 4 of chapter 15A, as so appearing, is hereby amended by

striking out the first sentence and inserting in place thereof the following sentence:-

The board of higher education, hereinafter referred to in this chapter as the council or the board, shall be composed of 13 voting members, consisting of the secretary of education, ex officio, or her designee, 9 members appointed by the governor reflecting regional geographic representation, and 3 members chosen to represent public institutions of higher education.

SECTION 14. Subsection (a) of section 4 of chapter 15A, as so appearing, is hereby amended by striking out, in line 20, the words “selected by the chair of” and inserting in place thereof the following words:- as voted by.

SECTION 15. Subsection (a) of section 4 of chapter 15A, as so appearing, is hereby amended by inserting after the word “Art”, in line 26, the following words:- and Design.

SECTION 16. Subsection (a) of section 4 of chapter 15A, as so appearing, is hereby amended by striking out the last sentence.

SECTION 17. Subsection (b) of section 4 of chapter 15A, as so appearing, is hereby amended by striking out, in line 30, the word “Members” and inserting in place thereof the following words:- Three of the board members appointed by the governor shall be appointed for terms that are coterminous with that of the governor. The secretary shall serve on the board while she holds the position of secretary. The remaining members.

SECTION 18. Subsection (b) of section 4 of chapter 15A, as so appearing, is hereby amended by inserting after the word “consecutive”, in line 46, the following word:- full.

SECTION 19. Subsection (b) of section 4 of chapter 15A, as so appearing, is hereby amended by inserting after the sixth sentence, in line 47, the following sentence:- Service for a term of less than 3 years, resulting from an initial appointment or an appointment for the remainder of an unexpired term, shall not be counted as a full term.

SECTION 20. Subsection (b) of section 4 of chapter 15A, as so appearing, is hereby amended by inserting after the eighth sentence, in line 53, the following sentence:- Vacancies shall be filled consistent with the requirements of section 10 of chapter 30.

SECTION 21. Subsection (d) of section 4 of chapter 15A, as so appearing, is hereby amended by inserting after the second sentence, in line 63, the following sentence:- Members of the board who are employed on a full-time basis by the commonwealth shall be ineligible to serve as chairperson.

SECTION 22. Subsection (d) of section 4 of chapter 15A, as so appearing, is hereby amended by

striking out, in the third sentence, the words “5 regularly scheduled meetings during a calendar year” and inserting in place thereof the following words:- 4 regularly scheduled meetings during an academic year.

SECTION 23. Subsection (g) of section 4 of chapter 15A, as so appearing, is hereby amended by striking out, in line 79, the word “Six” and inserting in place thereof the following word:- Seven; and by striking out, in line 80, the number “6” and inserting in place thereof the following number:- 7.

SECTION 24. Chapter 15A is further amended by striking out section 6 and inserting in place thereof the following section:-

§ 6. Department of higher education; Commissioner; other employees; appointments; salaries; powers and duties

Section 6. There shall be within the executive office of education a department of higher education, in this chapter called the department.

The council shall, whenever a vacancy may occur, by a two-thirds vote of all its voting members, submit to the secretary, for the secretary’s approval, a recommended candidate to serve as the commissioner of higher education, in this chapter called the commissioner. The secretary may appoint the recommended candidate as commissioner. If the secretary declines to appoint the candidate, the council shall submit a new candidate for consideration. The secretary may appoint the commissioner only from candidates submitted to the secretary by the council.

The commissioner shall be the executive and administrative head of the department. The commissioner shall serve at the pleasure of the council and may be removed by a majority vote of all its members. The commissioner shall not be subject to chapter 31 or to section 9A of chapter 30.

The commissioner shall be the secretary to the council and its chief executive officer and the chief school officer for higher education. The commissioner shall be responsible for carrying out the policies established by the council. The council may delegate its authority or any portion thereof to the commissioner whenever in its judgment such delegation may be necessary or desirable. The commissioner shall exercise any such powers or duties delegated with the full authority of the council in any matter concerning the system of public institutions of higher education subject to the direction and approval of the council.

The commissioner shall devote her full time during business hours to the duties of her office and shall, subject to appropriation, receive such salary as the council may determine. The commissioner may, subject to appropriation, appoint such other employees as she deems necessary to carry out her duties and responsibilities, shall be provided with adequate offices, and may expend sums for other necessary expenses of the department.

SECTION 25. Section 7 of chapter 15A, as so appearing, is hereby amended by striking out, in the first sentence, the words “adopt mission statements” and inserting in place thereof the following words:- submit mission statements for review and approval by the secretary.

SECTION 26. Section 7 of chapter 15A, as so appearing, is hereby amended by inserting before the word “council”, in lines 10 and 12, the following words:- secretary and the.

SECTION 27. Section 7 of chapter 15A, as so appearing, is hereby amended by striking out, in the second paragraph, the third sentence and inserting in place thereof the following sentence:- All institutional mission statements, as developed and submitted by boards of trustees, shall be subject to approval by the secretary, in consultation with the council.

SECTION 28. Section 7 of chapter 15A, as so appearing, is hereby amended by striking out, in the third paragraph, the second sentence and inserting in place thereof the following sentence:- The secretary, in consultation with the council, may, as she deems necessary, undertake or cause to be undertaken revisions of said statements.

SECTION 29. Section 7 of chapter 15A, as so appearing, is hereby amended by striking out, in lines 23 and 24, the words “board of higher education, for its approval,” and inserting in place thereof the following words:- secretary and the board of higher education.

SECTION 30. Section 7 of chapter 15A, as so appearing, is hereby amended by striking out, in the fourth paragraph, the third, fourth, fifth, and sixth sentences and inserting in place thereof the following sentences:- Said proposal, upon its receipt, shall be transmitted to the secretary of administration and finance, the chairs of the house and senate committees on ways and means, and the house and senate chairs of the joint committee on higher education. The secretary, in consultation with the council, shall have the authority to approve, reject, or propose amendments to said plan. Proposed amendments shall be returned to the institution’s board of trustees.

SECTION 31. Subsection (a) of section 7A of chapter 15A, as so appearing, is hereby amended by inserting after the word “institutions”, in line 6, the following words:- and the secretary.

SECTION 32. Subsection (b) of section 7A of chapter 15A, as so appearing, is hereby amended by striking out, in line 23, the word “kindergarten” and inserting in place thereof the following words:- early childhood.

SECTION 33. Subsection (e) of section 7A of chapter 15A, as so appearing, is hereby amended by inserting after the word “institutions”, in line 42, the following words:- and the secretary.

SECTION 34. Subsection (e) of section 7A of chapter 15A, as so appearing, is hereby amended by

striking out, in line 47, the words “education, arts and humanities” and inserting in place thereof the following words:- higher education.

SECTION 35. Subsection (f) of section 7A of chapter 15A, as so appearing, is hereby amended by striking out, in the third sentence, the words “joint committee on education, arts and humanities” and inserting in place thereof the following words:- joint committee on higher education.

SECTION 36. Subsection (g) of section 7A of chapter 15A, as so appearing, is hereby amended by striking out the word “chancellor” and inserting in place thereof the following word:- commissioner.

SECTION 37. Subsection (h) of section 7A of chapter 15A, as so appearing, is hereby amended by striking out the words “board shall structure its” and inserting in place thereof the following words:- commissioner shall structure her.

SECTION 38. Subsection (i) of section 7A of chapter 15A, as so appearing, is hereby amended by inserting after the words “in consultation with”, in the first sentence, the following words:- the secretary and.

SECTION 39. Subsection (i) of section 7A of chapter 15A, as so appearing, is hereby amended by striking out, in lines 78 and 79, the word “kindergarten” and inserting in place thereof the following words:- early childhood.

SECTION 40. Subsection (i) of section 7A of chapter 15A, as so appearing, is hereby amended by striking out, in the last sentence, the word “may” and inserting in place thereof the following word:- shall.

SECTION 41. Subsection (j) of section 7A of chapter 15A, as so appearing, is hereby amended by striking out, in the first sentence, the words “The university shall” and inserting in place thereof the following words:- The university, in consultation with the secretary, shall.

SECTION 42. Subsection (j) of section 7A of chapter 15A, as so appearing, is hereby amended by inserting after the words “annually to the”, in the second sentence, the following words:- secretary, the.

SECTION 43. Clause (b) of section 9 of chapter 15A, as so appearing, is hereby amended by striking out the third, fourth, fifth, and sixth sentences and inserting in place thereof the following sentences:- The council may, after a public hearing and submission of a written report to the clerks of the house of representatives and the senate, by a two-thirds vote of the full membership of the council, recommend to the secretary to consolidate, discontinue, or transfer divisions, schools, stations, branches or institutions as the council deems advisable. If, in the opinion of the council, a college campus should be closed or consolidated, the council shall make that recommendation to the secretary and the

secretary, if she approves the closure recommendation, shall submit such proposal to the secretary of administration and finance, the house and senate chairs of the joint committee on higher education, and the chairs of the house and senate ways and means committees. The joint committee on higher education may, within 30 days of the receipt of a proposal, hold a public hearing on its merits. The council shall not close a college without the authorization of the secretary and the general court;.

SECTION 44. Clause (c) of section 9 of chapter 15A, as so appearing, is hereby amended by striking out, in lines 30 and 31, the words “secretary of economic development and his staff” and inserting in place thereof the following words:- secretary of labor and workforce development, the secretary of housing and economic development, and their respective staffs.

SECTION 45. Clause (d) of section 9 of chapter 15A, as so appearing, is hereby amended by striking out, in line 31, the words “and adopt”.

SECTION 46. Clause (e) of section 9 of chapter 15A, as so appearing, is hereby amended by striking out, in line 32, the word “approve” and inserting in place thereof the following word:- review.

SECTION 47. Clause (f) of section 9 of chapter 15A, as so appearing, is hereby amended by inserting before the word “prepare”, in line 33, the following words:- subject to the secretary’s approval,.

SECTION 48. Clause (f) of section 9 of chapter 15A, as so appearing, is hereby amended by inserting after the words “clause (c)”, in line 35, the following word:- and.

SECTION 49. Section 9 of chapter 15A, as so appearing, is hereby amended by striking out clause (l) and inserting in place thereof the following new clause:-

(l) require each institution in the system to submit to the council and the secretary a 5-year plan, which plan shall be updated annually and shall be subject to the secretary’s approval, in consultation with the council;

SECTION 50. Clause (n) of section 9 of chapter 15A, as so appearing, is hereby amended by striking out, in lines 90 and 91, the word “chancellor” and inserting in place thereof the following word:- commissioner.

SECTION 51. Clause (cc) of section 9 of chapter 15A, as so appearing, is hereby amended by inserting after the first sentence the following sentences:-Such assistance shall consist of full or partial loans to students in need of assistance. Repayment shall commence within six months of graduation or termination of studies; provided, that no repayment schedule shall exceed a term of ten years. Monies received in repayment shall be retained by the council to provide the no interest loans and to provide for the administration of the programs without further appropriation; provided, however, that not more than \$775,000 of the monies shall be expended annually for the administration of the

program. The Massachusetts state scholarship office shall establish guidelines to govern said program which shall include, but not be limited to, eligibility requirements for students, eligibility requirements for participating institutions, terms of payment, deferment options, provisions for default, and a maximum and minimum loan award as determined by an indexing system;

SECTION 52. Clause (ee) of section 9 of chapter 15A, as so appearing, is hereby amended by striking out, in line 204, the words “2 of this act” and inserting in place thereof the following words:- 22 of this chapter.

SECTION 53. Clause (ff) of section 9 of chapter 15A, as so appearing, is hereby amended by inserting after the words “to section”, in line 207, the following word:- 7.

SECTION 54. Clause (gg) of section 9 of chapter 15A, as so appearing, is hereby amended by striking out, in lines 211 through 224, the second, third, fourth, and fifth sentences.

SECTION 55. Section 9 of chapter 15A, as so appearing, is hereby amended by striking out, in line 244, the words “education, arts and humanities” and inserting in place thereof the following words:- higher education.

SECTION 56. Section 15 of chapter 15A, as so appearing, is hereby amended by striking out, in line 1, the words “The council shall” and inserting in place thereof the following words:- In accordance with the funding formulas referenced in section 15B of this chapter, the secretary, in consultation with the council and with the board of trustees for the university of Massachusetts, shall.

SECTION 57. Section 15 of chapter 15A, as so appearing, is hereby amended by striking out, in line 10, the words “The council shall” and inserting in place thereof the following words:- The secretary, in consultation with the council and with the board of trustees for the university of Massachusetts, shall.

SECTION 58. Section 15 of chapter 15A, as so appearing, is hereby amended by striking out, in line 14, the word “council” and inserting in place thereof the following word:- secretary.

SECTION 59. Section 15 of chapter 15A, as so appearing, is hereby amended by striking out, in line 16, the word “it” and inserting in place thereof the following word:- she.

SECTION 60. Section 15B of chapter 15A, as so appearing, is hereby amended by inserting before the word “council”, in lines 6, 10, 11, and 17, the following words:- secretary and the.

SECTION 61. Section 15B of chapter 15A, as so appearing, is hereby amended by inserting after the words “boards of trustees”, in line 23, the following words:- and the secretary.

SECTION 62. Section 15B of chapter 15A, as so appearing, is hereby amended by inserting after the

words “board of higher education”, in line 25, the following words:- and the secretary.

SECTION 63. Section 15B of chapter 15A, as so appearing, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

The council shall review the institutional budget requests prepared by each board of trustees and shall submit comments and recommendations concerning those requests to the secretary. The secretary shall then prepare a comprehensive budget request for the public higher education system, with comments and recommendations, for use by the secretary of administration and finance, the house and senate committees on ways and means and the joint committee on higher education. In the case of the university, it shall be the responsibility of the trustees to submit comments and recommendations regarding the budget requests of individual campuses within the university system to the secretary and the board of higher education. In the case of any institution, or the university, having failed to submit data according to the schedule established under clause (s) of the first paragraph of section 9, the secretary may withhold transmittal of the budget request from that board of trustees to the secretary of administration and finance and committees. The comments and recommendations attached by the secretary and the board of higher education for each state and community college and by the board of trustees of the university for each university campus, shall be consistent with the funding formulas, statewide needs, performance measurement standards, as well as the mission statements and 5-year plans for individual campuses and the public higher education system as a whole. They shall also reflect analysis by the respective boards for each campus regarding progress made by the campuses in fulfilling strategic plans including, but not limited to, significant achievements and progress in addressing any previously identified deficiencies. The comments and recommendations shall be made available to the individual institutions and campuses before submission to the secretary of administration and finance and legislative committees with sufficient time allowed to provide opportunity for comment and response by those institutions and campuses. In reviewing the various estimates and requests, the secretary and the council may comment on the overall level of funding for the system of public higher education and may comment regarding funding priorities among segments of the system of public higher education and among the various institutions. The secretary shall submit her recommendations and comments to the secretary of administration and finance, the house and senate committees on ways and means and the joint committee on higher education. The secretary shall include in addition to the information provided by the boards of trustees all program costs which are to be borne by any other source other than the commonwealth, including such sources as federal financing or federal research, demonstration or training grants, community contributions and other grants, endowments or trusts.

SECTION 64. Section 21 of chapter 15A, as so appearing, is hereby amended by inserting before the word “board”, in line 1, the following word:- a.

SECTION 65. Section 21 of chapter 15A, as so appearing, is hereby amended by striking out, in line

49, the word “calendar” and inserting in place thereof the following word:- academic.

SECTION 66. Section 21 of chapter 15A, as so appearing, is hereby amended by striking out, in lines 53 and 54, the words “higher education coordinating”.

SECTION 67. Clause (a) of section 22 of chapter 15A, as so appearing, is hereby amended by inserting before the word “council”, in line 6, the following words:- secretary and the.

SECTION 68. Section 22 of chapter 15A, as so appearing, is hereby amended by striking out clause (l) and inserting in place thereof the following new clause:- (l) submit a 5-year master plan to the secretary and the council, which plan shall be subject to the secretary’s approval, in consultation with the council, and shall be updated annually according to a schedule determined by the secretary and the board in consultation with the board of trustees;

SECTION 69. Section 22 of chapter 15A, as so appearing, is hereby amended by striking out clause (m) and inserting in place thereof the following new clause:-

(m) submit financial data and other data as required by the secretary and the board of higher education for the careful and responsible discharge of their purposes, functions, and duties. The data shall be reported annually to the secretary and the board of higher education according to a schedule determined by the secretary and the board of higher education in consultation with the board of trustees. The board of trustees shall also submit an annual institutional spending plan to the secretary and the council for review, comment, and transmittal to the secretary of administration and finance, the house and senate committees on ways and means and the joint committee on higher education. Spending plans shall be reported using a standardized format developed by the secretary, in consultation with the board of higher education and the institutional boards of trustees, in a manner to allow comparison of similar costs between the various institutions of the commonwealth. Said plan shall include an account of spending from all revenue sources including but not limited to, trust funds;

SECTION 70. Clause (n) of section 22 of chapter 15A, as so appearing, is hereby amended by striking out, in lines 60 and 61, the words “council for its approval” and inserting in place thereof the following words:- secretary and the council for approval.

SECTION 71. Section 22 of chapter 15A, as so appearing, is hereby amended by striking out clause (o) and inserting in place thereof the following new clause:- (o) submit an institutional self-assessment report to the secretary and the council, which the board of trustees shall make public and available at the institution. Said assessment report shall be used to foster improvement at the institution by the board of trustees and shall include information relative to the institution's progress in fulfilling its approved mission. Said report shall be submitted annually to the secretary and the board of higher education according to a schedule determined by the secretary and said board in consultation with the board of trustees.

SECTION 72. Clause (p) of section 22 of chapter 15A, as so appearing, is hereby amended by striking out, in line 72, the words “board of higher education, for its approval” and inserting in place thereof the following words:- secretary and the board of higher education, for approval.

SECTION 73. Section 23 of chapter 15A, as so appearing, is hereby amended by inserting before the word “council”, in lines 2 and 5, the following words:- secretary and the.

SECTION 74. Section 2 of chapter 15D of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word “be”, in the first sentence, the following words:- in the executive office of education.

SECTION 75. Section 2 of chapter 15D, as so appearing, is amended by striking out, in lines 13 and 14, the words “control of a board of early education and care” and inserting in place thereof the following words:- management of the commissioner of early education and care, in this chapter called the commissioner.

SECTION 76. Subsection (b) of section 3 of chapter 15D, as so appearing, is amended by striking out the first sentence and inserting in place thereof the following sentence:- The board shall consist of 11 members, and shall include: the secretary of education, ex-officio, in this chapter called the secretary, or her designee; the secretary of health and human services, ex-officio; and 9 members appointed by the governor.

SECTION 77. Subsection (b) of section 3 of chapter 15D, as so appearing, is amended by striking out, in line 33, the word “and”.

SECTION 78. Subsection (b) of section 3 of chapter 15D, as so appearing, is amended by inserting after the word “psychology”, in lines 34 and 35, the following words:- ; and 3 shall be additional members.

SECTION 79. Subsection (b) of section 3 of chapter 15D, as so appearing, is amended by striking out, in line 47, the word “Five” and inserting in place thereof the following word:- Six.

SECTION 80. Subsection (b) of section 3 of chapter 15D, as so appearing, is amended by striking out, in line 47, the number “5” and inserting in place thereof the following number:- 6.

SECTION 81. Subsection (b) of section 3 of chapter 15D, as so appearing, is amended by striking out, in the fourth paragraph, the first sentence and inserting in place thereof the following sentences:- Of the 9 members appointed by the governor, 1 shall be appointed for a term that is coterminous with that of the governor. Each of the remaining 8 members shall be appointed for a term of 5 years. Vacancies shall be filled consistent with the requirements of section 10 of chapter 30.

SECTION 82. Subsection (b) of section 3 of chapter 15D, as so appearing, is amended by inserting after the word “terms.”, in line 50, the following sentence:- Service for a term of less than 3 years, resulting from an initial appointment or an appointment for the remainder of an unexpired term, shall not be counted as a full term.

SECTION 83. Subsection (b) of section 3 of chapter 15D, as so appearing, is amended by striking out, in the fifth paragraph, the third sentence and inserting in place thereof the following sentences:- Not more than 2 members of the board shall be employed on a full-time basis by any agency of the commonwealth. Members of the board who are employed on a full-time basis by the commonwealth shall be ineligible to serve as chairperson.

SECTION 84. Subsection (e) of section 3 of chapter 15D, as so appearing, is amended by striking out, in the first sentence, the words “arts and humanities,”.

SECTION 85. Section 4 of chapter 15D, as so appearing, is amended by striking out the first paragraph and inserting in place thereof the following paragraphs:-

Section 4. The board shall by a 2/3 vote of its members submit to the secretary, for the secretary’s approval, a recommended candidate to serve as the commissioner of early education and care, in this chapter called the commissioner. The secretary may appoint the recommended candidate as commissioner. If the secretary declines to appoint the candidate, the board shall submit a new candidate for consideration. The secretary may appoint the commissioner only from candidates submitted to the secretary by the board.

The board may in its discretion by majority vote of its members remove the commissioner. The commissioner shall be the secretary to the board and its chief executive officer and shall be the executive and administrative head of the department. The commissioner shall receive a salary to be determined by the board.

SECTION 86. Section 4 of chapter 15D, as so appearing, is amended by inserting after the second paragraph the following paragraphs:-

The commissioner shall propose a budget to the board; said budget shall reflect the goals and objectives of the board and the secretary. The board shall review and make recommendations regarding the budget to the secretary. The secretary shall then prepare and submit a budget request on behalf of the department to the house and senate committees on ways and means, the joint committee on education, and the secretary of administration and finance.

The commissioner shall analyze the present and future goals, needs and requirements of early childhood education and care in the commonwealth and recommend to the board comprehensive

means to achieve a well-coordinated system of high achievement in early childhood education and care in the commonwealth. Following consultation with the board, the commissioner shall prepare and submit to the secretary, for the secretary's review and approval, a 5-year master plan for achieving such a coordinated system. The master plan along with an annual progress report shall reflect the goals and standards established by the board and the secretary.

The board may delegate its authority or any portion thereof to the commissioner whenever in its judgment such delegation may be necessary or desirable. The commissioner shall exercise such delegated powers and duties with the full authority of the board.

The commissioner may, subject to appropriation, appoint such other employees as she deems necessary to carry out her duties and responsibilities, shall be provided with adequate offices, and may expend sums for other necessary expenses of the department.

SECTION 87. The title of chapter 69 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the words "DEPARTMENT OF" the following words:-
ELEMENTARY AND SECONDARY.

SECTION 88. The title of section 1A of chapter 69, as so appearing, is hereby amended by inserting after the word "of" the following words:- elementary and secondary.

SECTION 89. Section 1A of chapter 69, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Section 1A. There shall be within the executive office of education a department of elementary and secondary education, hereinafter called the department, which shall be under the supervision and management of a commissioner of elementary and secondary education, hereinafter called the commissioner. Said commissioner shall be appointed pursuant to section 1F of chapter 15 and shall devote full time to the duties of the office.

SECTION 90. Section 1A of chapter 69, as so appearing, is hereby amended by inserting after the words "board of", in line 6, the following words:- elementary and secondary.

SECTION 91. Section 1A of chapter 69, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The commissioner shall propose a budget to the board; said budget shall reflect the goals and objectives of the board and the secretary of education, in this chapter called the secretary. The board shall review and make recommendations regarding the budget to the secretary. The secretary shall then prepare and submit a budget request on behalf of the department to the house and senate

committees on ways and means, the joint committee on education, and the secretary of administration and finance.

SECTION 92. Section 1A of chapter 69, as so appearing, is hereby amended by striking out, in line 28, the words “shall prepare” and inserting in place thereof the following words:- shall, in consultation with the board, prepare and submit to the secretary for the secretary’s review and approval.

SECTION 93. Section 1A of chapter 69, as so appearing, is hereby amended by inserting after the word “board”, in line 37, the following words:- and the secretary.

SECTION 94. The title of section 1B of chapter 69, as so appearing, is hereby amended by inserting after the words “Board of” the following words:- elementary and secondary.

SECTION 95. Section 1B of chapter 69, as so appearing, is hereby amended by striking out, in line 139, the words “, arts, and humanities”.

SECTION 96. Section 1D of chapter 69, as so appearing, is hereby amended by striking out, in line 48, the words “, arts, and humanities”.

SECTION 97. Section 1 of chapter 75 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the words “provided in”, in line 13, the following words:- section 14A of chapter 6A,.

SECTION 98. Section 1A of chapter 75, as so appearing, is hereby amended by striking out, in line 3, the words “and seventeen” and inserting in place thereof the following words:- 1 member shall be the secretary of education, ex officio, in this chapter called the secretary, or her designee, and 16.

SECTION 99. Section 1A of chapter 75, as so appearing, is hereby amended by striking out, in line 31, the word “Members” and inserting in place thereof the following words:- Appointive members.

SECTION 100. Section 1A of chapter 75 of the General Laws, as so appearing, is hereby amended by striking out, in line 37, the word “calendar” and inserting in place thereof the following word:- academic.

SECTION 101. Section 1A of chapter 75, as so appearing, is hereby amended by striking out, in the fourth paragraph, the sixth and seventh sentences and inserting in place thereof the following sentences:- The governor shall appoint the chair of the board of trustees, who shall serve at the governor’s pleasure. Members of the board who are employed on a full-time basis by the commonwealth shall be ineligible to serve as chair.

SECTION 102. Section 1A of chapter 75, as so appearing, is hereby amended by striking out, in line

57, the words “board of higher education” and inserting in place thereof the following words:- secretary and to the board of higher education, in this chapter called the council,.

SECTION 103. Section 1A of chapter 75, as so appearing, is hereby amended by striking out, in lines 91 to 93, clause (l) and inserting in place thereof the following new clause:- (l) submit a 5-year master plan to the secretary and the council, which plan shall be subject to the secretary’s approval, in consultation with the council, and shall be updated annually on or before the first Wednesday of December in each year.

SECTION 104. Section 1A of chapter 75, as so appearing, is hereby amended by inserting before the word “council”, in line 94, the following words:- secretary and the.

SECTION 105. Section 1A of chapter 75, as so appearing, is hereby amended by inserting after the word “develop”, in line 96, the following words:- and submit to the secretary and the board of higher education, for approval,.

SECTION 106. Section 1A of chapter 75, as so appearing, is hereby amended by inserting before the word “board”, in line 99, the following words:- secretary and the.

SECTION 107. Section 1A of chapter 75, as so appearing, is hereby amended by striking out, in line 126, the words “council for its” and inserting in place thereof the following words:- secretary and the council for.

SECTION 108. Section 1A of chapter 75, as so appearing, is hereby amended by inserting before the word “council”, in line 128, the following words:- secretary and the.

SECTION 109. Section 1A of chapter 75, as so appearing, is hereby amended by striking out, in line 132, the word “council” and inserting in place thereof the following word:- secretary.

SECTION 110. Section 2 of chapter 75, as so appearing, is hereby amended by striking out, in line 15, the words “in the board of higher education” and inserting in place thereof the following words:- of the secretary and the board of higher education as set forth in this chapter, chapter 15A, and other applicable provisions of the General Laws.

SECTION 111. Section 7 of chapter 75, as so appearing, is hereby amended by inserting after the word “governor”, in line 2, the following word:- , secretary,

SECTION 112. Notwithstanding any general or special law to the contrary, any appointive member currently serving on the Board of Education upon passage of this act shall continue to serve in the following manner. Thomas Fortmann and Sandra Stotsky shall serve until June 30, 2010. S. Paul Reville and the member in the seat currently held by the parent representative shall serve until June

30, 2009. The member in the seat currently held by the representative of a labor organization and the member in the seat currently held by the representative of business or industry shall serve until June 30, 2008. The Governor shall appoint 3 additional members; 2 shall serve until June 30, 2012 and 1 shall serve coterminously with the Governor. All board members shall be eligible for reappointment unless such reappointment is limited under the provisions of section 1E of chapter 15 of the General Laws.

SECTION 113. Notwithstanding any general or special law to the contrary, all appointive members currently serving on the Board of Early Education and Care upon passage of this act shall continue to serve for the remainder of their appointed terms. Of the three additional members to be appointed by the Governor, 1 shall serve until March 11, 2009; 1 shall serve until March 11, 2012 and 1 shall serve coterminously with the Governor. All board members shall be eligible for reappointment unless such reappointment is limited under the provisions of section 3(b) of chapter 15D of the General Laws.

SECTION 114. Notwithstanding any general or special law to the contrary, all appointive members currently serving on the Board of Higher Education upon passage of this act shall continue to serve for the remainder of their appointed terms. The three additional members to be appointed by the Governor shall be appointed for terms coterminous with that of the Governor. All board members shall be eligible for reappointment unless such reappointment is limited under the provisions of section 4(b) of chapter 15A of the General Laws.

SECTION 115. Notwithstanding section 98 of this act and any general or special law to the contrary, the secretary of education shall not become an ex officio voting member of the board of trustees for the University of Massachusetts until an opening next arises on that board due to the departure or the expiration of the term of a presently sitting board member.

SECTION 116. Whenever the following former names of boards, departments, or officers appear in any general or special law, regulation, contract or other document, they shall be taken to mean the following boards, departments and officers, respectively:

- (a) the board of education, the board of elementary and secondary education;
- (b) the department of education, the department of elementary and secondary education;
- (c) the commissioner of education; the commissioner of elementary and secondary education;
- (d) the chancellor of higher education, the commissioner of higher education.

SECTION 117. This act shall take effect as soon as it has the force of law under subsection (c) of section 2 of Article LXXXVII of the Amendments to the Constitution.

House of Representatives, February 6, 2008.

Approved (under the provisions of Article LXXXVII of the Amendments to the Constitution and Joint Rule 23A).

Salvatore F. DiMasi, Speaker.

Steven T. James, Clerk.

Senate, February 7, 2008.

Approved (under the provisions of Article LXXXVII of the Amendments to the Constitution and Joint Rule 23A).

Therese Murray, President.

William F. Welch, Clerk.

Approved February 15 , 2008
