

LIST OF PERSONS ELECTED AS
MEMBERS OF THE HOUSE OF REPRESENTATIVES
FOR THE YEARS 2009 — 2010.

D — Democrat. R — Republican.

• BARNSTABLE COUNTY •

- DISTRICT 1 — CLEON H. TURNER (D) OF DENNIS —
Brewster; Dennis; Yarmouth: Precincts 1, 2, 4, 7.
- DISTRICT 2 — DEMETRIUS J. ATSALIS (D) OF BARNSTABLE —
Barnstable: Precincts 1, 2, 3, 4, 6, 8, 9, 13; Yarmouth: Precincts 3, 5, 6.
- DISTRICT 3 — MATTHEW C. PATRICK (D) OF FALMOUTH —
Barnstable: Precincts 5, 7; Bourne: Precincts 5, 6; Falmouth: Precincts 3, 4, 7, 8, 9;
Mashpee: Precincts 2, 4, 5.
- DISTRICT 4 — SARAH K. PEAKE (D) OF PROVINCETOWN —
Chatham; Eastham; Harwich; Orleans; Provincetown; Truro; Wellfleet.
- DISTRICT 5 — JEFFREY DAVIS PERRY (R) OF SANDWICH —
Barnstable: Precincts 10, 11, 12; Bourne: Precinct 4; Mashpee: Precincts 1, 3;
Sandwich.
- BARNSTABLE, DUKES AND NANTUCKET COUNTIES •
- BARNSTABLE, DUKES AND NANTUCKET — TIMOTHY R. MADDEN (D) OF NANTUCKET —
Falmouth: Precincts 1, 2, 5, 6 (Barnstable Co.); Chilmark (Dukes Co.); Edgartown
(Dukes Co.); Aquinnah (Dukes Co.); Gosnold (Dukes Co.); Oak Bluffs (Dukes Co.);
Tisbury (Dukes Co.); West Tisbury (Dukes Co.); Nantucket (Nantucket Co.).

• BERKSHIRE COUNTY •

- DISTRICT 1 — DANIEL E. BOSLEY (D) OF NORTH ADAMS —
Adams; Clarksburg; Florida; North Adams; Savoy; Williamstown; Charlemont
(Franklin Co.); Hawley (Franklin Co.); Heath (Franklin Co.); Monroe (Franklin Co.);
Rowe (Franklin Co.).
- DISTRICT 2 — DENIS E. GUYER (D) OF DALTON —
Becket; Cheshire; Dalton; Hancock; Hinsdale; Lanesborough; New Ashford; Peru;
Richmond; Washington; Windsor; Pittsfield: Ward 1: Precinct B; Ashfield (Franklin
Co.); Bernardston (Franklin Co.); Buckland (Franklin Co.); Colrain (Franklin Co.);
Leyden (Franklin Co.); Northfield (Franklin Co.); Shelburne (Franklin Co.);
Cummington (Hampshire Co.); Middlefield (Hampshire Co.); Plainfield
(Hampshire Co.).
- DISTRICT 3 — CHRISTOPHER N. SPERANZO (D) OF PITTSFIELD —
Pittsfield: Ward 1: Precinct A, Wards 2, 3, 4, Ward 5: Precinct A, Wards 6, 7.
- DISTRICT 4 — WILLIAM SMITTY PIGNATELLI (D) OF LENOX —
Alford; Egremont; Great Barrington; Lee; Lenox; Monterey; Mount Washington;
New Marlborough; Otis; Pittsfield: Precinct 5B; Sandisfield; Sheffield; Stockbridge;
Tyringham; West Stockbridge; Blandford (Hampden Co.); Chester (Hampden Co.);
Tolland (Hampden Co.).

• BRISTOL COUNTY •

- DISTRICT 1 — F. JAY BARROWS (R) OF MANSFIELD —
Mansfield: Precincts 1, 3, 6; Norton: Precincts 3, 4, 5; Foxborough (Norfolk Co.).
- DISTRICT 2 — BILL BOWLES (D) OF ATTLEBORO —
Attleboro: Wards 1, 2; Ward 3: Precinct A; Wards 4, 5, 6.
- DISTRICT 3 — JAMES H. FAGAN (D) OF TAUNTON —
Taunton: Ward 1: Precinct B, Wards 2, 3, 5, 7, 8.
- DISTRICT 4 — STEVEN J. D'AMICO (D) OF SEEKONK —
Norton: Precinct 1; Rehoboth; Seekonk; Swansea: Precincts 1, 3, 4, 5.
- DISTRICT 5 — PATRICIA A. HADDAD (D) OF SOMERSET —
Dighton; Somerset; Swansea: Precinct 2; Taunton: Ward 1: Precinct A, Ward 4:
Precinct B, Ward 6.
- DISTRICT 6 — DAVID B. SULLIVAN (D) OF FALL RIVER —
Berkley; Fall River: Ward 4: Precinct C, Ward 7: Precincts A, C, D, Ward 8:
Precincts B, C, D, Ward 9: Precincts A, B, C; Freetown: Precinct 1.
- DISTRICT 7 — KEVIN AGUIAR (D) OF FALL RIVER —
Fall River: Ward 1: Precincts B, C, D, Ward 2: Precincts A, B, C, Ward 3: Precincts
A, B, C, Ward 4: Precincts A, B, Ward 5: Precinct A.
- DISTRICT 8 — MICHAEL J. RODRIGUES (D) OF WESTPORT —
Fall River: Ward 1: Precinct A, Ward 5: Precincts B, C, Ward 6: Precincts A, B, C,
Ward 7: Precinct B, Ward 8: Precinct A; Westport.
- DISTRICT 9 — JOHN F. QUINN (D) OF DARTMOUTH —
Dartmouth; Freetown: Precinct 2; New Bedford: Ward 3: Precincts F, G; Lakeville:
Precinct 1 (Plymouth Co.).
- DISTRICT 10 — WILLIAM M. STRAUS (D) OF MATTAPOISETT —
Fairhaven; Marion (Plymouth Co.); Mattapoisett (Plymouth Co.); Rochester
(Plymouth Co.); Middleborough: Precincts 3, 6 (Plymouth Co.).
- DISTRICT 11 — ROBERT M. KOCZERA (D) OF NEW BEDFORD —
Acushnet; New Bedford: Ward 1: Precincts A, B, C, D, E, Ward 2.
- DISTRICT 12 — STEPHEN R. CANESSA (D) OF NEW BEDFORD —
Freetown: Precinct 3; New Bedford: Ward 1: Precincts F, G, Ward 3: Precincts A, B,
C, D, E, Ward 4: Precincts D, E; Taunton: Ward 4: Precinct A; Lakeville: Precincts 2, 3,
(Plymouth Co.); Middleborough: Precincts 2, 4, (Plymouth Co.).
- DISTRICT 13 — ANTONIO F. D. CABRAL (D) OF NEW BEDFORD —
New Bedford: Ward 4: Precincts A, B, C, F, G, Wards 5, 6.
- DISTRICT 14 — ELIZABETH A. POIRIER (R) OF NORTH ATTLEBOROUGH —
Attleboro: Ward 3: Precinct B, Mansfield: Precincts 2, 5; North Attleborough;
Norton: Precinct 2.
- ESSEX COUNTY •
- DISTRICT 1 — MICHAEL A. COSTELLO (D) OF NEWBURYPORT —
Amesbury; Salisbury; Newburyport.

• ESSEX COUNTY (Continued) •

- DISTRICT 2 — HARRIETT L. STANLEY (D) OF WEST NEWBURY —
Georgetown: Precinct 1; Groveland; Haverhill: Ward 4: Precinct 3, Ward 7: Precincts 1, 3; Merrimac; Newbury; Rowley; West Newbury.
- DISTRICT 3 — BRIAN S. DEMPSEY (D) OF HAVERHILL —
Haverhill: Ward 1, Ward 2: Precinct 3, Ward 3, Ward 4: Precincts 1, 2, Ward 5: Precincts 1, 3, Ward 6.
- DISTRICT 4 — BRADFORD HILL (R) OF IPSWICH —
Boxford: Precincts 1, 3; Hamilton; Wenham; Ipswich; Manchester-by-the-Sea; Middleton: Precinct 2.
- DISTRICT 5 — ANN-MARGARET FERRANTE (D) GLOUCESTER —
Essex; Rockport; Gloucester.
- DISTRICT 6 — MARY E. GRANT (D) OF BEVERLY — BEVERLY.
- DISTRICT 7 — JOHN D. KEENAN (D) OF SALEM — SALEM.
- DISTRICT 8 — LORI A. EHRlich (D) MARBLEHEAD —
Lynn: Ward 3: Precinct 4, Ward 4: Precinct 4; Marblehead; Swampscott.
- DISTRICT 9 — MARK V. FALZONE (D) OF SAUGUS —
Lynn: Ward 1: Precincts 1, 2; Lynnfield: Precinct 2; Saugus: Precincts 1, 2, 4, 5, 6, 7, 8, 9; Wakefield: Precincts 1, 2, 7 (Middlesex Co.).
- DISTRICT 10 — ROBERT F. FENNEL (D) OF LYNN —
Lynn: Ward 1: Precincts 3, 4, Ward 2, Ward 3: Precincts 1, 2, 3, Ward 4: Precincts 1, 2, 3, Ward 5: Precinct 3.
- DISTRICT 11 — STEVEN M. WALSH (D) OF LYNN —
Lynn: Ward 5: Precincts 1, 2, 4, Wards 6, 7; Nahant.
- DISTRICT 12 — JOYCE A. SPILLOTIS (D) OF PEABODY —
Peabody: Wards 1, 2, 3, 4, 5.
- DISTRICT 13 — THEODORE C. SPELIOTIS (D) OF DANVERS —
Danvers; Topsfield; Peabody: Ward 6.
- DISTRICT 14 — DAVID M. TORRISI (D) OF NORTH ANDOVER —
Lawrence: Ward A, Precincts 1, 3, Ward E, Precincts 2, 3, Ward F, Precincts 1, 2, 4; North Andover: Precincts 1, 2, 3, 4, 5, 6.
- DISTRICT 15 — LINDA DEAN CAMPBELL (D) OF METHUEN —
Methuen: Precincts 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12.
- DISTRICT 16 — WILLIAM LANTIGUA (D) OF LAWRENCE —
Lawrence: Ward A, Precincts 2, 4, Wards B, C, Ward D, Precincts 3, 4, Ward F, Precinct 3.
- DISTRICT 17 — BARRY R. FINEGOLD (D) OF ANDOVER —
Andover: Precincts 2, 3, 4, 5, 6, 9; Lawrence: Ward D, Precincts 1, 2, Ward E, Precincts 1, 4; Tewksbury: Precincts 3, 3A (Middlesex Co.).
- DISTRICT 18 — BARBARA A. L'ITALIEN (D) OF ANDOVER —
Andover: Precincts 1, 7, 8; Boxford: Precinct 2; Georgetown: Precinct 2; Haverhill: Ward 2: Precincts 1, 2, Ward 5: Precinct 2, Ward 7: Precinct 2; Methuen: Precinct 7; North Andover: Precincts 7, 8.

• FRANKLIN COUNTY •

- DISTRICT 1 — STEPHEN KULIK (D) OF WORTHINGTON —
Conway; Deerfield; Leverett; New Salem; Shutesbury; Sunderland; Wendell; Whately; Belchertown: Precincts A, D (Hampshire Co.); Chesterfield (Hampshire Co.); Huntington (Hampshire Co.); Pelham (Hampshire Co.); Williamsburg (Hampshire Co.); Worthington (Hampshire Co.).
- DISTRICT 2 — CHRISTOPHER J. DONELAN (D) OF ORANGE —
Erving; Gill; Greenfield; Orange; Warwick; Athol (Worcester Co.).

• HAMPDEN COUNTY •

- DISTRICT 1 — TODD M. SMOLA (R) OF PALMER —
Brimfield; Holland; Palmer; Wales; Ware: Precincts B, C (Hampshire Co.); Sturbridge (Worcester Co.); Warren (Worcester Co.).
- DISTRICT 2 — BRIAN M. ASHE (D) LONGMEADOW —
East Longmeadow: Precincts 3, 4; Hampden; Longmeadow; Monson; Springfield: Ward 6: Precincts B, C.
- DISTRICT 3 — ROSEMARY SANDLIN (D) OF AGAWAM —
Agawam; Granville; Russell; Southwick.
- DISTRICT 4 — DONALD F. HUMASON, JR. (R) OF WESTFIELD — WESTFIELD.
- DISTRICT 5 — MICHAEL F. KANE (D) OF HOLYOKE — HOLYOKE.
- DISTRICT 6 — JAMES T. WELCH (D) OF WEST SPRINGFIELD —
Chicopee: Ward 2: Precinct B, Ward 4: Precincts A, B, C, Ward 5: Precinct B; Springfield: Ward 2: Precinct E; West Springfield.
- DISTRICT 7 — THOMAS M. PETROLATI (D) OF LUDLOW —
Chicopee: Ward 6: Precinct B; Ludlow; Springfield: Ward 8: Precincts E, F, G; Belchertown: Precincts B, C (Hampshire Co.).
- DISTRICT 8 — JOSEPH F. WAGNER (D) OF CHICOPEE —
Chicopee: Ward 1: Precincts A, B, Ward 2: Precincts A, C, D, Ward 3: Precincts A, B, C, Ward 6: Precinct A, Ward 7: Precincts A, B, Ward 8: Precincts A, B, Ward 9: Precincts A, B.
- DISTRICT 9 — SEAN CURRAN (D) OF SPRINGFIELD —
Chicopee: Ward 5: Precinct A; Springfield: Ward 2: Precincts A, B, C, D, F, G, H, Ward 5: Precincts C, D, G, H, Ward 7: Precinct H, Ward 8: Precincts A, B, D, H.
- DISTRICT 10 — CHERYL A. COAKLEY-RIVERA (D) OF SPRINGFIELD —
Springfield: Ward 1, Ward 3: Precincts B, C, F, G, H, Ward 6: Precincts A, E, G.
- DISTRICT 11 — BENJAMIN SWAN (D) OF SPRINGFIELD —
Springfield: Ward 3: Precincts A, D, E, Ward 4, Ward 5: Precincts A, B, E, F, Ward 7: Precinct A, Ward 8: Precinct C.
- DISTRICT 12 — ANGELO J. PUPPOLO, JR. (D) OF SPRINGFIELD —
East Longmeadow: Precincts 1, 2; Springfield: Ward 6: Precincts D, F, H, Ward 7: Precincts B, C, D, E, F, G; Wilbraham.

• HAMPSHIRE COUNTY •

- DISTRICT 1 — PETER V. KOCOT (D) OF NORTHAMPTON —
Montgomery (Hampden Co.); Hatfield; Northampton; Southampton; Westhampton.
- DISTRICT 2 — JOHN W. SCIBAK (D) OF SOUTH HADLEY —
Easthampton; Hadley; South Hadley.
- DISTRICT 3 — ELLEN STORY (D) OF AMHERST —
Amherst; Granby.

• MIDDLESEX COUNTY •

- DISTRICT 1 — ROBERT S. HARGRAVES (R) OF GROTON —
Ayer; Dunstable; Groton; Pepperell; Townsend.
- DISTRICT 2 — JAMES ARCIERO (D) OF WESTFORD —
Chelmsford: Precincts 3, 5, 7; Littleton; Westford.
- DISTRICT 3 — KATE HOGAN (D) OF STOW —
Hudson; Maynard; Stow; Bolton (Worcester Co.).
- DISTRICT 4 — DANIELLE W. GREGOIRE (D) OF MARLBOROUGH —
Marlborough; Southborough: Precinct 1 (Worcester Co.); Berlin (Worcester Co.).
- DISTRICT 5 — DAVID PAUL LINSKY (D) OF NATICK —
Natick: Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9; Sherborn; Millis: Precincts 2, 3
(Norfolk Co.).
- DISTRICT 6 — PAM RICHARDSON (D) OF FRAMINGHAM —
Framingham: Precincts 1, 2, 3, 4, 5, 6, 7, 9, 13, 14, 17.
- DISTRICT 7 — TOM SANNICANDRO (D) OF ASHLAND —
Ashland; Framingham: Precincts 8, 10, 11, 12, 15, 16, 18.
- DISTRICT 8 — CAROLYN C. DYKEMA (D) HOLLISTON —
Holliston; Hopkinton; Medway: Precinct 1 (Norfolk Co.); Southborough: Precincts 2,
3 (Worcester Co.); Westborough: Precinct 2 (Worcester Co.).
- DISTRICT 9 — THOMAS M. STANLEY (D) OF WALTHAM —
Lexington: Precincts 2, 3, 4; Waltham: Wards 1, 2, 3, 4, Ward 7: Precinct 1.
- DISTRICT 10 — PETER J. KOUTOUJIAN (D) OF WALTHAM —
Newton: Ward 1: Precincts 1, 4, Ward 3: Precinct 4; Waltham: Wards 5, 6, Ward 7:
Precinct 2, Wards 8, 9; Watertown: Precinct 10.
- DISTRICT 11 — KAY KHAN (D) OF NEWTON —
Newton: Ward 1: Precincts 2, 3, Ward 2: Precincts 1, 2, 3, Ward 3: Precincts 1, 2, 3,
Ward 4, Ward 5: Precinct 4, Ward 7: Precinct 2.
- DISTRICT 12 — RUTH B. BALSER (D) OF NEWTON —
Newton: Ward 5: Precincts 1, 2, 3, Ward 6, Ward 7: Precincts 1, 3, 4, Ward 8.
- DISTRICT 13 — THOMAS P. CONROY (D) OF WAYLAND —
Lincoln; Sudbury; Wayland.
- DISTRICT 14 — CORY ATKINS (D) OF CONCORD —
Acton: Precincts 1, 2, 6; Carlisle; Concord; Chelmsford: Precincts 1, 9.

- DISTRICT 15 — JAY R. KAUFMAN (D) OF LEXINGTON —
Arlington: Precincts 14, 17, 20, 21; Lexington: Precincts 1, 5, 6, 7, 8, 9; Woburn:
Wards 1, 7.
- DISTRICT 16 — THOMAS A. GOLDEN, JR. (D) OF LOWELL —
Chelmsford: Precincts 2, 6, 8; Lowell: Ward 5: Precincts 1, 2, 3, Wards 6, 9.
- DISTRICT 17 — DAVID M. NANGLE (D) OF LOWELL —
Chelmsford: Precinct 4; Lowell: Ward 1, Ward 2: Precinct 3, Ward 4: Precincts 2, 3,
Wards 10, 11.
- DISTRICT 18 — KEVIN J. MURPHY (D) OF LOWELL —
Lowell: Ward 2: Precincts 1, 2, Ward 3, Ward 4: Precinct 1, Wards 7, 8.
- DISTRICT 19 — JAMES R. MICELI (D) OF WILMINGTON —
Tewksbury: Precincts 1, 1A, 2, 2A, 4, 4A; Wilmington: Precincts 1, 2, 4, 5, 6.
- DISTRICT 20 — BRADLEY H. JONES, JR. (R) OF NORTH READING —
Lynnfield: Precincts 1, 3, 4 (Essex Co.); Middleton: Precinct 1 (Essex Co.); North
Reading: Reading: Precincts 1, 4, 6, 7, 8.
- DISTRICT 21 — CHARLES A. MURPHY (D) OF BURLINGTON —
Bedford; Burlington; Wilmington: Precinct 3.
- DISTRICT 22 — WILLIAM G. GREENE, JR. (D) OF BILLERICA — BILLERICA.
- DISTRICT 23 — SEAN GARBALLEY (D) OF ARLINGTON —
Arlington: Precincts 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 18, 19; Medford: Ward 3:
Precinct 2, Ward 6: Precincts 1, 2.
- DISTRICT 24 — WILLIAM N. BROWNSBERGER (D) OF BELMONT —
Arlington: Precincts 2, 4; Belmont; Cambridge: Ward 10: Precinct 3, Ward 11:
Precincts 1, 2, 3.
- DISTRICT 25 — ALICE K. WOLF (D) OF CAMBRIDGE —
Cambridge: Ward 4, Ward 6: Precincts 2, 3, Wards 7, 8, Ward 10: Precincts 1, 2.
- DISTRICT 26 — TIMOTHY J. TOOMEY, JR. (D) OF CAMBRIDGE —
Cambridge: Ward 1, Ward 2: Precinct 1, Ward 3: Precincts 1, 2, Ward 6: Precinct 1;
Somerville: Ward 1, Ward 2: Precincts 1, 2.
- DISTRICT 27 — DENISE PROVOST (D) OF SOMERVILLE —
Somerville: Ward 2: Precinct 3, Ward 3, Ward 4: Precinct 3, Wards 5, 6.
- DISTRICT 28 — STEVEN STAT SMITH (D) OF EVERETT —
Everett; Malden: Ward 7: Precinct 2.
- DISTRICT 29 — JONATHAN HECHT (D) OF WATERTOWN —
Cambridge: Ward 9; Watertown: Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12.
- DISTRICT 30 — JAMES J. DWYER (D) OF WOBURN —
Reading: Precincts 2, 3, 5; Stoneham: Precinct 3; Woburn: Wards 2, 3, 4, 5, 6.
- DISTRICT 31 — JASON M. LEWIS (D) OF WINCHESTER —
Stoneham: Precincts 1, 2, 4, 5, 6, 7; Winchester.
- DISTRICT 32 — KATHERINE CLARK (D) OF MELROSE —
Melrose; Wakefield: Precincts 3, 4, 5, 6.

• MIDDLESEX COUNTY (Continued) •

- DISTRICT 33 — CHRISTOPHER G. FALLON (D) OF MALDEN —
Malden: Ward 2, Ward 3: Precinct 1, Wards 4, 5, 6, 8.
- DISTRICT 34 — CARL M. SCIORTINO, JR. (D) OF MEDFORD —
Medford: Wards 4, 5, Ward 7: Precinct 1, Ward 8: Precinct 2; Somerville: Ward 4:
Precincts 1, 2, Ward 7.
- DISTRICT 35 — PAUL J. DONATO (D) OF MEDFORD —
Malden: Ward 1, Ward 3: Precinct 2, Ward 7: Precinct 1; Medford: Wards 1, 2, Ward 3:
Precinct 1, Ward 7: Precinct 2, Ward 8: Precinct 1.
- DISTRICT 36 — COLLEEN M. GARRY (D) OF DRACUT —
Dracut; Tyngsborough.
- DISTRICT 37 — JENNIFER E. BENSON (D) LUNENBURG —
Acton: Precincts 3, 4, 5; Boxborough; Shirley; Harvard (Worcester Co.); Lancaster:
Precinct 1 (Worcester Co.); Lunenburg (Worcester Co.).
- NORFOLK COUNTY •
- DISTRICT 1 — BRUCE J. AYERS (D) OF QUINCY —
Quincy: Ward 3: Precincts 3, 4, Ward 4: Precincts 1, 3, Ward 5: Precincts 2, 5, Ward 6;
Randolph: Precincts 5, 6.
- DISTRICT 2 — A. STEPHEN TOBIN (D) OF QUINCY —
Quincy: Ward 1, Ward 3: Precincts 1, 2, 5, Ward 4: Precincts 2, 4, Ward 5: Precincts 1,
3, 4.
- DISTRICT 3 — RONALD MARIANO (D) OF QUINCY —
Holbrook: Precincts 2, 3, 4; Quincy: Ward 2, Ward 4: Precinct 5; Weymouth:
Precincts 5, 6, 9, 12, 16.
- DISTRICT 4 — JAMES M. MURPHY (D) OF WEYMOUTH —
Weymouth: Precincts 1, 2, 3, 4, 7, 8, 10, 11, 13, 14, 15, 17, 18.
- DISTRICT 5 — JOSEPH R. DRISCOLL (D) OF BRAINTREE —
Braintree; Holbrook: Precinct 1; Randolph: Precinct 3.
- DISTRICT 6 — WILLIAM C. GALVIN (D) OF CANTON —
Avon; Canton; Stoughton: Precincts 1, 5, 7, 8.
- DISTRICT 7 — WALTER F. TIMILTY (D) OF MILTON —
Milton: Precincts 2, 4, 5, 6, 7, 8, 9, 10; Randolph: Precincts 1, 2, 4, 7, 8.
- DISTRICT 8 — LOUIS L. KAFKA (D) OF STOUGHTON —
Mansfield: Precinct 4 (Bristol Co.); Sharon; Stoughton: Precincts 2, 3, 4, 6; Walpole:
Precincts 3, 4.
- DISTRICT 9 — RICHARD J. ROSS (R) OF WRENTHAM —
Medfield: Precincts 3, 4; Millis: Precinct 1; Norfolk; Plainville; Walpole: Precinct 5;
Wrentham.
- DISTRICT 10 — JAMES E. VALLEE (D) OF FRANKLIN —
Franklin; Medway: Precincts 2, 3, 4.
- DISTRICT 11 — PAUL MCMURTRY (D) OF DEDHAM —
Dedham; Walpole: Precinct 8; Westwood.

- DISTRICT 12 — JOHN H. ROGERS (D) OF NORWOOD —
Norwood; Walpole: Precincts 1, 2, 6, 7.
- DISTRICT 13 — LIDA E. HARKINS (D) OF NEEDHAM —
Dover; Medfield: Precincts 1, 2; Needham.
- DISTRICT 14 — ALICE HANLON PEISCH (D) OF WELLESLEY —
Natick: Precinct 10 (Middlesex Co.); Weston (Middlesex Co.); Wellesley.
- DISTRICT 15 — FRANK I. SMIZIK (D) OF BROOKLINE —
Brookline: Precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13.

• PLYMOUTH COUNTY •

- DISTRICT 1 — VIRIATO MANUEL DEMACEDO (R) OF PLYMOUTH —
Plymouth: Precincts 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14.
- DISTRICT 2 — SUSAN WILLIAMS GIFFORD (R) OF WAREHAM —
Bourne: Precincts 1, 2 (Barnstable Co.); Carver; Wareham.
- DISTRICT 3 — GARRETT J. BRADLEY (D) OF HINGHAM —
Cohasset (Norfolk Co.); Hingham; Hull; Scituate: Precinct 3.
- DISTRICT 4 — JAMES M. CANTWELL (D) OF MARSHFIELD —
Marshfield; Scituate: Precincts 1, 2, 4, 5, 6.
- DISTRICT 5 — ROBERT J. NYMAN (D) OF HANOVER —
Hanover; Norwell; Rockland.
- DISTRICT 6 — DANIEL K. WEBSTER (R) OF HANSON —
Duxbury: Precincts 2, 3, 4, 5; Halifax: Precinct 2; Hanson; Pembroke.
- DISTRICT 7 — ALLEN J. MCCARTHY (D) OF EAST BRIDGEWATER —
Abington; East Bridgewater; Whitman.
- DISTRICT 8 — DAVID L. FLYNN (D) OF BRIDGEWATER —
Easton: Precinct 6 (Bristol Co.); Raynham (Bristol Co.); Bridgewater.
- DISTRICT 9 — MICHAEL D. BRADY (D) OF BROCKTON —
Brockton: Ward 1: Precincts B, D, Ward 2: Precincts B, C, D, Ward 3, Ward 4:
Precincts A, D, Ward 5: Precinct A.
- DISTRICT 10 — CHRISTINE E. CANAVAN (D) OF BROCKTON —
Easton: Precinct 3 (Bristol Co.); Brockton: Ward 4: Precincts B, C, Ward 5:
Precincts B, C, D, Ward 6; West Bridgewater.
- DISTRICT 11 — GERALDINE CREEDON (D) OF BROCKTON —
Easton: Precincts 1, 2, 4, 5 (Bristol Co.); Brockton: Ward 1: Precincts A, C, Ward 2:
Precinct A, Ward 7.
- DISTRICT 12 — THOMAS J. CALTER (D) OF KINGSTON —
Duxbury: Precincts 1, 6; Halifax: Precinct 1; Kingston; Middleborough: Precincts
1, 5; Plymouth: Precincts 1, 11, 13; Plympton.
- SUFFOLK COUNTY •
- DISTRICT 1 — CARLO BASILE (D) OF BOSTON —
Boston: Ward 1: Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.

• SUFFOLK COUNTY (Continued) •

- DISTRICT 2 — EUGENE L. O'FLAHERTY (D) OF CHELSEA —
Boston: Ward 2; Chelsea: Wards 1, 2, Ward 3: Precincts 1, 3, Ward 4: Precincts 1, 4.
- DISTRICT 3 — SALVATORE F. DiMASI (D) OF BOSTON [RESIGNED JANUARY 27, 2009],
ARRON MICHLEWITZ (D) OF BOSTON [ELECTED JUNE 16, 2009,
QUALIFIED JULY 8, 2009] —
Boston: Ward 3: Precincts 1, 2, 3, 4, 6, 7, 8, Ward 4: Precinct 1, Ward 5: Precinct 1,
Ward 8: Precincts 1, 2, 3.
- DISTRICT 4 — BRIAN P. WALLACE (D) OF BOSTON —
Boston: Ward 1: Precinct 15 Harbor Islands, Ward 6; Ward 7: Precincts 1, 2, 3, 4, 5,
6, 7, 8, 9, Ward 8: Precinct 6; Ward 13: Precinct 3.
- DISTRICT 5 — MARIE P. ST. FLEUR (D) OF BOSTON —
Boston: Ward 7: Precinct 10, Ward 8: Precincts 5 and 7, Ward 12: Precinct 6,
Ward 13: Precincts 1, 2, 4, 5, 6, Ward 15: Precincts 1, 2, 3, 4, 5, 7, 8, 9, Ward 16:
Precinct 1, Ward 17: Precinct 2.
- DISTRICT 6 — WILLIE MAE ALLEN (D) OF BOSTON —
Boston: Ward 14: Precincts 5, 8, 9, 10, 11, 12, 13, 14, Ward 17: Precincts 7, 8, 10, 11,
Ward 18: Precincts 7, 8, 15, Ward 19: Precincts 11, 12, 13.
- DISTRICT 7 — GLORIA L. FOX (D) OF BOSTON —
Boston: Ward 4: Precincts 8, 9, 10, Ward 8: Precinct 4, Ward 9: Precincts 4, 5,
Ward 10: Precinct 4, Ward 11: Precinct 1, Ward 12: Precincts 1, 2, 3, 4, 5, 8, 9,
Ward 21: Precinct 1.
- DISTRICT 8 — MARTHA M. WALZ (D) OF BOSTON —
Cambridge (Middlesex Co.): Ward 2: Precinct 3, Ward 3: Precinct 3, Ward 5; Boston:
Ward 3: Precinct 5, Ward 5: Precincts 3, 4, 5, 6, 7, 8, 9, 11.
- DISTRICT 9 — BYRON RUSHING (D) OF BOSTON —
Cambridge (Middlesex Co.): Ward 2: Precinct 2, Boston: Ward 4: Precincts 2, 3, 4, 5,
6, 7, Ward 5: Precincts 2, 10, Ward 9: Precincts 1, 2, 3.
- DISTRICT 10 — MICHAEL F. RUSH (D) OF BOSTON —
Brookline (Norfolk Co.): Precincts 14, 15, 16; Boston: Ward 20: Precincts 3, 5, 6, 7,
10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.
- DISTRICT 11 — ELIZABETH A. MALIA (D) OF BOSTON —
Boston: Ward 11: Precincts 2, 3, 4, 5, 7, 8, 9, 10, Ward 12: Precinct 7, Ward 14:
Precincts 1, 2, 3, 4, 6, 7, Ward 19: Precincts 6, 7.
- DISTRICT 12 — LINDA DORCENA FORRY (D) OF BOSTON —
Milton (Norfolk Co.) Precincts 1, 3; Boston: Ward 16: Precincts 8, 11, 12, Ward 17:
Precincts 4, 12, 13, 14, Ward 18: Precincts 1, 2, 3, 4, 5, 6, 21.
- DISTRICT 13 — MARTIN J. WALSH (D) OF BOSTON —
Boston: Ward 13: Precincts 7, 8, 9, 10, Ward 15, Precinct 6, Ward 16: Precincts 2, 3,
4, 5, 6, 7, 9, 10, Ward 17: Precincts 1, 3, 5, 6, 9.
- DISTRICT 14 — ANGELO M. SCACCIA (D) OF BOSTON —
Milton (Norfolk Co.): Precinct 11; Boston: Ward 18: Precincts 9, 10, 11, 12, 13, 14,
16, 17, 18, 19, 20, 22, 23, Ward 19: Precinct 10, Ward 20: Precincts 8, 9.

- DISTRICT 15 — JEFFREY SÁNCHEZ (D) OF BOSTON —
Brookline (Norfolk Co.): Precinct 5; Boston: Ward 10: Precincts 1, 2, 3, 5, 6, 7, 8, 9,
Ward 11: Precinct 6, Ward 19: Precincts 1, 2, 3, 4, 5, 8, 9, Ward 20: Precincts 1, 2, 4.
- DISTRICT 16 — KATHI-ANNE REINSTEIN (D) OF REVERE —
Saugus: Precincts 3, 10 (Essex Co.); Chelsea: Ward 3: Precincts 2, 4, Ward 4:
Precincts 2, 3; Revere: Ward 1: Precinct 3, Ward 3: Precinct 1, Ward 4: Precincts 1,
2, 3, Ward 5: Precincts 1, 2, Ward 6: Precincts 1, 2, 3.
- DISTRICT 17 — KEVIN G. HONAN (D) OF BOSTON —
Boston: Ward 21: Precincts 3, 5, 6, 7, 8, 9, 10, 11, 12, Ward 22: Precincts 2, 3, 6,
9, 10.
- DISTRICT 18 — MICHAEL J. MORAN (D) OF BOSTON —
Brookline (Norfolk Co.): Precinct 1; Boston: Ward 21: Precincts 2, 4, 13, 14, 15, 16,
Ward 22: Precincts 1, 4, 5, 7, 8, 11, 12, 13.
- DISTRICT 19 — ROBERT A. DeLEO (D) OF WINTHROP —
Revere: Ward 1: Precincts 1, 2, Ward 2, Ward 3: Precincts 2, 3, Ward 5: Precinct 3;
Winthrop.

• WORCESTER COUNTY •

- DISTRICT 1 — LEWIS G. EVANGELIDIS (R) OF HOLDEN —
Holden; Hubbardston; Oakham; Princeton; Rutland; Sterling; Precinct 1;
Westminster.
- DISTRICT 2 — ROBERT L. RICE, JR. (D) OF GARDNER —
Ashby (Middlesex Co.), Gardner, Ashburnham, Royalston, Winchendon.
- DISTRICT 3 — STEPHEN L. DiNATALE (D) OF FITCHBURG — FITCHBURG.
- DISTRICT 4 — DENNIS A. ROSA (D) OF LEOMINSTER — LEOMINSTER.
- DISTRICT 5 — ANNE M. GOBI (D) OF SPENCER —
Ware: Precinct A (Hampshire Co.); Barre; Brookfield; Hardwick; New Braintree;
North Brookfield; Petersham; Phillipston; West Brookfield; Spencer: Precincts 2, 3;
Templeton.
- DISTRICT 6 — GERALDO ALICEA (D) OF CHARLTON —
Charlton; East Brookfield; Oxford: Precinct 2; Southbridge; Spencer: Precincts 1, 4.
- DISTRICT 7 — PAUL K. FROST (R) OF AUBURN —
Auburn; Millbury; Oxford: Precincts 1, 3; Sutton: Precinct 3.
- DISTRICT 8 — PAUL KUJAWSKI (D) OF WEBSTER —
Douglas; Dudley; Oxford: Precinct 4; Uxbridge: Precinct 3; Webster.
- DISTRICT 9 — GEORGE N. PETERSON, JR. (R) OF GRAFTON —
Grafton; Northbridge; Upton; Westborough: Precincts 3, 5.
- DISTRICT 10 — JOHN V. FERNANDES (D) OF MILFORD —
Hopdale; Mendon; Milford.
- DISTRICT 11 — KARYN E. POLITO (R) OF SHREWSBURY —
Shrewsbury; Westborough: Precincts 1, 4.

• WORCESTER COUNTY (Continued) •

- DISTRICT 12 — HAROLD P. NAUGHTON, JR. (D) OF CLINTON —
Boylston; Clinton; Northborough; Sterling: Precinct 2; Lancaster: Precinct 2.
- DISTRICT 13 — ROBERT P. SPELLANE (D) OF WORCESTER —
Paxton; Worcester: Ward 1: Precincts 1, 2, 3, 4 Ward 9, Ward 10: Precinct 3.
- DISTRICT 14 — JAMES J. O'DAY (D) OF WEST BOYLSTON —
West Boylston; Worcester: Ward 1: Precinct 5, Ward 2, Ward 3: Precincts 1, 3, 5.
- DISTRICT 15 — VINCENT A. PEDONE (D) OF WORCESTER —
Worcester: Ward 3: Precincts 2, 4, Ward 4, Ward 5: Precinct 3, Ward 10:
Precincts 1, 2, 4, 5.
- DISTRICT 16 — JOHN P. FRESOLO (D) OF WORCESTER —
Worcester: Ward 5: Precincts 1, 2, 4, 5, Ward 6, Ward 8: Precincts 1, 5.
- DISTRICT 17 — JOHN J. BINIENDA (D) OF WORCESTER —
Leicester; Worcester: Ward 7, Ward 8: Precincts 2, 3, 4.
- DISTRICT 18 — JENNIFER M. CALLAHAN (D) OF SUTTON —
Bellingham (Norfolk Co.); Blackstone; Millville; Sutton: Precincts 1, 2; Uxbridge:
Precincts 1, 2, 4.

JOURNAL OF THE HOUSE.

Wednesday, January 6, 2010.

The second annual session of the one hundred and eighty-sixth General Court of the Commonwealth of Massachusetts convened at the State House in Boston on the first Wednesday of January, being the sixth day of the year two thousand ten and the year of the independence of the United States of America the two hundred and thirty-fourth.

General
Court
convened.

And the members of the House of Representatives, having assembled in the Representatives' Chamber, were called to order at two minutes after eleven o'clock A.M. by Mr. Donato of Medford (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House during the sessions of 1983 to 2009, inclusive, as follows:

Eternal God, in Whom we find personal peace and our hope for the future, we begin this morning's legislative session, the second annual session of the 186th General Court, with a moment of personal meditation and personal prayer. We open our minds and hearts to You, Your ways and Your inspirations as we struggle to carry out our personal and constitutional responsibilities and obligations. As elected leaders inspire us to make reasoned, objective, ethical and sound decisions and choices which meet both the current and future needs of the people and society. As our predecessors made courageous choices and decisions which have guaranteed our freedoms, so may we, too, encourage all people, especially our children and young people, to utilize their intellectual and natural talents in a positive manner. The future of the Commonwealth and our communities depends upon the good will, the interest in the common good and a generous spirit of all people in promoting the well-being of all individuals in our communities.

Prayer.

Grant your blessings to the Speaker, the members and employees of this House and their families.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Silent Prayers.

During the session, Mr. Spellane of Worcester briefly took the Chair, and, on behalf of the members of the Worcester Legislative delegation, requested that the members, guests and employees stand in a moment of silence in respect to the memory of Worcester Police Officer Mark D. Bisnette, who died Saturday, January 2nd as a result of injuries sustained in an auto accident that took place the same day. Officer Bisnette was a Worcester native and a proud 14 year member of the Worcester Police Department. Officer Bisnette was

Worcester
Police Officer
Mark D.
Bisnette.

Worcester Police Officer Mark D. Bisnett.

an active Worcester Police Officer serving as President of Worcester Police Recruit Class # 296 and a member of the Honor Guard, the Police Relief Association, the Emerald Society, NEPBA Local 911 and as a delegate to the Massachusetts Police Association.

Officer Bisnette also served his nation proudly throughout Operation Desert Storm as a United States Marine. A proud father, Mark was also a coach in the Paxton Little League and Worcester Flag Football, where he would spend weekends watching his children play.

Officer Mark Bisnette leaves behind his high school sweetheart and wife of 13 years, Erin P. (Mulcahy) Bisnette, his four children; sons Connor Francis, Seamus Ryan, and Liam Patrick Bisnette, and daughter Riley Kate Bisnette.

Harold E. Brown, Jr.

During the session, at the request of Representative Hogan of Stow and on behalf of a grateful nation, the members, guests and employees stood in a moment of silence in respect to the memory of Harold E. Brown, Jr., who was killed December 30, 2009 in a suicide bomb attack while serving his country in Khost Pvince, Afghanistan. Mr. Brown grew up in Bolton, a small town in which his family has deep roots, and graduated Nashoba Regional High School. He spent his career in service to his nation, spending four years on active duty in the Army, during which time he served in Bosnia. He later became a major in the Army Reserves, and was serving with U.S. intelligence when he was killed in Afghanistan. He is survived by his parents of Bolton, Massachusetts and his wife and three children of Fairfax Station, Virginia.

Statement Concerning Representative Koczera of New Bedford.

A statement of Mrs. Haddad of Somerset concerning Mr. Koczera of New Bedford was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Koczera of New Bedford, is unable to be present in the House Chamber for today's sitting due to personal business outside of the Commonwealth. His missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Koutoujian of Waltham.

A statement of Mr. Mariano of Quincy concerning Mr. Koutoujian of Waltham was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Koutoujian of Waltham, is unable to be present in the House Chamber for today's sitting, due to the christening of his baby daughter Isabel in his wife's hometown in Spain. His missing of roll calls today and for the next few days is due entirely to the reason stated.

Statement Concerning Representative Madden of Nantucket.

A statement of Mr. Vallee of Franklin concerning Mr. Madden of Nantucket was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Madden of Nantucket, is unable to be present in the House Chamber for today's sitting, due to personal business outside of the country. His missing of roll calls today is due entirely to the reason stated.

Statement concerning Representative Madden of Nantucket.

Statement Concerning Representative Naughton of Clinton.

A statement of Mr. Vallee of Franklin concerning Mr. Naughton of Clinton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Naughton of Clinton, is unable to be present in the House Chamber for today's sitting, due to his being called to active duty in the United States Army. His missing of roll calls today and for the next few days is due entirely to the reason stated.

Statement concerning Representative Naughton of Clinton.

Statement Concerning Representative Peterson of Grafton.

A statement of Mr. Jones of North Reading concerning Mr. Peterson of Grafton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Peterson of Grafton, is unable to be present in the House Chamber for today's sitting, due to a death in his family. His missing of roll calls today is due entirely to the reason stated.

Statement concerning Representative Peterson of Grafton.

Message from the Governor.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to providing for the financial stability of the city of Lawrence (House, No. 4421) was filed in the Office of the Clerk on Thursday, December 31, 2009.

Lawrence,— financial stability.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Representatives Barrows of Mansfield, Poirier of North Attleborough and Kafka of Stoughton) congratulating Nathan Myers on receiving the Eagle Award of the Boy Scouts of America;

Nathan Myers.

Resolutions (filed by Mrs. Creedon of Brockton) congratulating attorney John Darrell on the occasion of his retirement;

John Darrell.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Jonathan Ryan Foster on earning the Eagle Scout Award;

Jonathan Ryan Foster.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Samuel David Marshall on earning the Eagle Scout Award;

Samuel David Marshall.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Benedetto Tomaso on the occasion of his one hundredth birthday;

Benedetto Tomaso.

Resolutions (filed by Messrs. Hecht of Watertown and Koutoujian of Waltham) honoring Thomas J. Sullivan upon the occasion of his retirement from the town of Watertown;

Thomas J. Sullivan.

Statement concerning Representative Koczera of New Bedford.

Statement concerning Representative Koutoujian of Waltham.

Resolutions (filed by Mr. Rush of Boston) congratulating Christopher Campbell-Orrrock upon achieving the rank of Eagle Scout; and Resolutions (filed by Mr. Rush of Boston) congratulating Elias Sami Kassis upon achieving the rank of Eagle Scout;

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Brownsberger of Belmont, a petition (accompanied by bill, House, No. 4414) of William N. Brownsberger and Steven A. Tolman (by vote of the town) relative to the recall of elected officials in the town of Belmont. To the committee on Election Laws.

By Mr. Brownsberger of Belmont, a petition (accompanied by bill, House, No. 4416) of William N. Brownsberger and Steven A. Tolman (by vote of the town) that the board of selectmen in the town of Belmont be authorized to appoint a chief of police for said town.

By Representative Flynn of Bridgewater and Senator Pacheco, a joint petition (accompanied by bill, House, No. 4413) of David L. Flynn and Marc R. Pacheco (by vote of the town) for legislation to provide a town charter for the town of Bridgewater.

By Mrs. Harkins of Needham, a petition (accompanied by bill, House, No. 4417) of Lida E. Harkins (by vote of the town) relative to certain land in the town of Needham.

By Mr. Quinn of Dartmouth, a petition (accompanied by bill, House, No. 4415) of John F. Quinn, Joan M. Menard and others (by vote of the town) that the town of Freetown be authorized to establish the position of treasurer-collector for said town.

Severally to the committee on Municipalities and Regional Government.

By Mr. Kane of Holyoke, a petition (accompanied by bill, House, No. 4418) of Michael F. Kane and Michael R. Knapik (with the approval of the mayor and city council) relative to police procedures when dealing with criminal street gangs in the city of Holyoke. To the committee on Public Safety and Homeland Security.

By Representative Linsky of Natick and Senator Spilka, a joint petition (accompanied by bill, House, No. 4419) of David P. Linsky, Karen E. Spilka and others (by vote of the town) that the town of Natick be authorized to exempt the chief of police from the civil service law in said town. To the committee on Public Service.

By Ms. Gifford of Wareham, a petition (accompanied by bill, House, No. 4420) of Susan Williams Gifford (by vote of the town) relative to real estate tax exemptions for certain structures in the town of Carver. To the committee on Revenue.

Severally sent to the Senate for concurrence.

Christopher Campbell-Orrrock. Elias Sami Kassis.

Belmont,—recall election.

Belmont,—police chief.

Bridgewater,—police chief.

Needham,—land.

Freetown,—treasurer-collector.

Holyoke,—police procedures.

Natick,—civil service.

Carver,—tax exemptions.

Petitions severally were presented and referred as follows:

By Ms. Benson of Lunenburg, petition (subject to Joint Rule 12) of Jennifer E. Benson, Ellen Story and others relative to establishing a public health Lyme disease research institute at the University of Massachusetts Medical School.

UMass,—Lyme disease institute.

By Mr. O'Flaherty of Chelsea, petition (subject to Joint Rule 12) of Eugene L. O'Flaherty relative to children in need of services.

Children,—assistance.

By Mr. Perry of Sandwich, petition (subject to Joint Rule 12) of Jeffrey Davis Perry for the adoption of resolutions memorializing the President and the Congress of the United States regarding the rights of states under the Tenth Amendment to the Constitution.

U.S. Constitution,—Tenth Amendment.

By Mr. Quinn of Dartmouth, petition (subject to Joint Rule 12) of John F. Quinn, Michael J. Rodrigues and others relative to establishing a special commission to study public funding to private institutions.

Private institutions,—funding.

By Mr. Walsh of Lynn, petition (subject to Joint Rule 12) of Steven M. Walsh authorizing an alternative mode of design and construction for the relocation and replacement of a water line under the Saugus River.

Saugus River,—water line.

Severally, under Rule 24, to the committee on Rules.

Paper from the Senate.

A Bill authorizing the board of assessors of the city of Quincy to grant tax abatements to certain military personnel (Senate, No. 1302) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Quincy,—tax abatement.

Reports of Committees.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the joint petition of John D. Keenan and Sonia Chang-Diaz relative to extending the reporting date within which the special commission established to investigate, study and designate one thousand great places in the Commonwealth. Under suspension of the rules, on motion of Mr. Fagan of Taunton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Tourism, Arts and Cultural Development. Sent to the Senate for concurrence.

One thousand great places.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the Williamstown Library Board of Trustees (House, No. 1921) be scheduled for consideration by the House.

Williamstown Library Board.

Under suspension of Rule 7A, on motion of Mr. Bosley of North Adams, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn), was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Pilots,—
Attorney
General. By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to representation by the Attorney General in actions involving pilots (House, No. 3676).

Public land
preservation. By the same member, for the same committee, on Senate, No. 396 and House, No. 3438, a Bill to protect the natural resources of the Commonwealth (House, No. 4422).

Severally, read; and referred, under Rule 33, to the committee on Ways and Means.

Scrap metal
dealers. By Ms. Forry of Boston, for the committee on Community Development and Small Business, on a petition, a Bill relative to scrap metal dealers (House, No. 328, changed in line 15 by striking out the words "Massachusetts photo identification" and inserting in place thereof the words "government issued identification"; and in line 16 by striking out the words "state and local police" and inserting in place thereof the words "any law enforcement agency").

Brockton,—
dumping. By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill prohibiting certain dumping in the city of Brockton (House, No. 4190).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bills.

Bill
enacted. The engrossed Bill validating a certain election in the town of Concord (see House bill printed in House, No. 4397) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Id. The engrossed Bill relative to real estate taxes in the town of Wayland (see House No. 1903) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Kayaks. The Senate Bill relative to kayaks (Senate, No. 974) was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Representatives Straus of Mattapoisett and Khan of Newton then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 2281 (as perfected), as follows:

"SECTION 1. Section 1 of chapter 90B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the definition of 'Jet skis' the following definition:—

'Kayak', a lightweight boat that is covered, except for a single or double opening in the center thereof, and is propelled by a paddle.

SECTION 2. Said chapter 90B is hereby further amended by inserting after section 13A the following section:—

Section 13B. Anyone who holds himself out as a kayak instructor for hire shall obtain and maintain:

first aid training approved by the department of public health;

cardiopulmonary resuscitation training approved by the department of public health; and kayak instructor certification from the American Canoe Association, or an American Red Cross certification in small craft safety and basic water rescue, or equivalent water training.

The instructor shall train students on the safety procedures appropriate to the level of paddling difficulty. Wet exit training, which is defined as the practice of escaping from a kayak while capsized in a controlled water setting, shall be required of beginners or novice level only if a 'spray skirt' is attached during any part of the kayak instructional session.

A liability release that limits an instructor's responsibility to comply with this section shall be void."

The amendment was adopted; and the bill (Senate, No. 974, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

House reports

Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass, on the petition (accompanied by bill, House, No. 233) of Sean Curran relative to exempting a certain person from mandated barber license requirements; and

House reports.

Of the committee on Financial Services, ought NOT to pass, on the petition (accompanied by bill, House, No. 868) of Garrett J. Bradley relative to making the Commissioner of Insurance an elected office;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 874) of William N. Brownsberger, John Hayes and Anne M. Paulsen relative to the funding and staffing of the Division of Insurance; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 995) of Kevin J. Murphy for legislation to establish the office of Commissioner of Insurance as an elected position;

Severally were accepted.

Recess.

At twenty-five minutes after eleven o'clock A.M., on motion of Mr. Cabral of New Bedford (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at nine minutes after one o'clock the House was called to order with the Speaker in the Chair.

Recess.

Notices of the Convening of the General Court.

On motion of Mr. Walsh of Lynn,—

Ordered, That a special committee be appointed to notify the Senate that the House has been called to order and is ready to proceed to business.

Representatives Basile of Boston, Calter of Kingston, Brady of Brockton, Cantwell of Marshfield, DiNatale of Fitchburg, Ehrlich of Marblehead, Dykema of Holliston, Fresolo of Worcester, McMurtry of Dedham, Rush of Boston, Nangle of Lowell, Barrows of Mansfield, deMacedo of Plymouth, Smola of Palmer and Webster of Pembroke were appointed the committee.

Subsequently Mr. Basile, for the committee, reported that they had attended to the duty assigned to them.

A message was received from the Senate, by a special committee thereof, announcing that that branch had convened and was ready to proceed to business.

On motion of Mr. Kaufman of Lexington,—

Ordered, That a committee of members of the Senate and House of Representatives be appointed to wait upon His Excellency the Governor, Deval L. Patrick, His Honor the Lieutenant-Governor, Timothy P. Murray, and the Honorable Council and inform them that the two branches of the General Court are now assembled and ready to proceed to business.

Representatives Canessa of New Bedford, Clark of Melrose, Conroy of Wayland, Dwyer of Woburn, Ferrante of Gloucester, Fallon of Malden, Gobi of Spencer, Fernandes of Milford, Fox of Boston, Kujawski of Webster, Murphy of Lowell, Poirier of North Attleborough, Frost of Auburn, Gifford of Wareham and Hill of Ipswich were appointed the committee on the part of the House. Sent to the Senate to be joined.

Subsequently notice was received that the Senate had adopted said order, and that Senators Baddour, Flanagan, Tucker and Hedlund had been appointed the committee on the part of the Senate.

Subsequently Mr. Kaufman, for the committee, reported that they had attended to the duty assigned to them.

Orders of the Day.

The Senate Bill relative to education reform (Senate, No. 2216, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence (Mr. Petrolati of Ludlow being in the Chair), Ms. Wolf of Cambridge moved to amend it in section 1, in line 64, by striking out the word "and", in line 65, by inserting after the word "commissioner" the following: "; (ix) for elementary schools, a representative of an early education and care provider chosen by the commissioner of the department of early education and care and, for middle schools or high schools, a representative of the higher education community selected by the secretary; and

(x) a member of the community appointed by the chief executive of the city or town from a list nominated by a community organization with an agenda that includes schools, or, if there is none, a community volunteer.", and, in line 70, by inserting after the word "meeting," the following sentence: "The local stakeholder group shall hold at least one public hearing in the community prior to formulating its recommendations."

Pending the question on adoption of the amendments, the same member moved to amend them by striking out the text of said amendments and inserting in place thereof the following:— in section 1, in line 64, by striking out the word "and"; and, in line 65, by inserting after the word "commissioner" the words "; (ix) for elementary schools, a representative of an early education and care provider chosen by the commissioner of the department of early education and care and, for middle schools or high schools, a representative of the higher education community selected by the secretary; and (x) a member of the community appointed by the chief executive of the city or town."

After remarks the further amendments were adopted, thus precluding a vote on the pending amendments.

Mr. Rice of Gardner then moved to amend the bill in section 1, in line 38, after the words "graduation rates"; in line 79, after the words "promotion and graduation rates"; in lines 94 and 95, after the words "student promotion and graduation"; in line 273, after the words "promotion and graduation rates"; in line 307, after the words "promotion and graduation rates"; in line 323, after the words "student promotion and graduation"; in section 3, in line 982, after the words "student promotion and graduation rates"; and, in line 1079, after the words "student promotion and graduation" by inserting, in each instance, the words "dropout rates".

Pending the question on adoption of the amendments, the same member moved to amend them by striking out the text of said amendments and inserting in place thereof the following:— in section 1, in line 38, by inserting after the words "graduation rates" the words "dropout rates"; in line 79, after the words "promotion and graduation rates"; in lines 94 and 95, after the words "student promotion and graduation"; in line 273, after the words "promotion and graduation rates"; in line 307, after the words "promotion and graduation rates"; in line 323, after the words "and graduation"; in section 3, in line 982, after the words "student promotion and graduation rates"; and, in line 1079, after the word "graduation", by inserting, in each instance, the words "and dropout rates".

After remarks the further amendments were adopted, thus precluding a vote on the pending amendments.

Mr. Sciortino of Medford then moved to amend the bill in section 2, in line 682, after the word "necessary.", by inserting the following sentence: "The department shall maintain a consolidated waitlist for each municipality in order to determine the number of individual students in each municipality seeking admission to charter schools.". After remarks the amendment was adopted.

Senate notified of convening of House.

Notice of convening of Senate.

Governor, etc. notified of convening of General Court.

Education reform and achievement gap.

Education reform and achievement gap.

Ms. Wolf of Cambridge then moved to amend the bill in section 1, in line 292, by striking out the word "and"; and, in line 293, by inserting after the word "commissioner" the words "(ix) for elementary schools, a representative of an early education and care provider chosen by the commissioner of the department of early education and care and, for middle schools or high schools, a representative of the higher education community selected by the secretary; and (x) a member of the community appointed by the chief executive of the city or town.". The amendments were adopted.

Representatives Clark of Melrose and Wolf of Cambridge then moved to amend the bill in section 1, in line 64, after the word "town" (inserted by amendment) by inserting the following: "; and (xi) as appropriate, a representative of an early education and care provider chosen by the commissioner of the department of early education and care"; and, in line 293, after the word "town" (inserted by amendment) by inserting the following: "; and (xi) as appropriate, a representative of an early education and care provider chosen by the commissioner of the department of early education and care". The amendments were adopted.

Mr. McCarthy of East Bridgewater then moved to amend the bill in section 1, in line 10, after the definition of "Department" by inserting the following definition:—

"'District', or 'school district', the school department of a city or town.". The amendment was adopted.

Mr. Brownsberger of Belmont then moved that the bill be amended in section 2, in line 573, after the phrase "18 per cent" by inserting the following: "; provided however that if a school district's Student Growth Percentile (or other similar measure of improvement adopted by the Board) places the district in the upper half of districts based on improvement in the most recently computed school year, then said district's total charter school tuition payment to commonwealth charter schools may exceed 9 percent of said district's net school spending only with the approval of the district School Committee". The amendment was rejected.

At ten minutes after four o'clock P.M., on motion of Mrs. Haddad of Somerset (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of five o'clock; and at ten minutes after five o'clock the House was called to order with Mr. Donato of Medford in the Chair.

The House thereupon took a further recess, on motion of Mr. Spellane of Worcester, until a quarter before six o'clock; and at two minutes before six o'clock the House was called to order with Mr. Donato in the Chair.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Ms. Ferrante of Gloucester moved to amend it in section 2, at the end of paragraph (e) by inserting the words "and a detailed explanation of which programs and curriculum are different and how they differ from current offerings within the school district". The amendment was rejected.

The same member then moved to amend the bill in section 2, at the end of paragraph (j), by inserting the following sentence: "Within 30 days of the approval of a new commonwealth charter

school in any community, the board shall issue a written confirmation that the school meets all of the requirements set out in this section and in the implementing regulations, and a summary of the reasons thereof.". The amendment was rejected.

Ms. Ferrante then moved to amend the bill in section 2, in paragraph (ee), by striking out the words "or the school has violated any provision of its charter" and inserting in place thereof the words "or the school has violated any provision of its charter or the board has substantially violated any provision of this section or its implement regulations in granting the charter". The amendment was rejected.

Ms. Ferrante of Gloucester then moved to amend the bill in section 2, at the end of paragraph (ee), by inserting the following sentence: "The board may also, on its own motion or by request, reconsider its grant of a charter and revoke or suspend said charter within six months of approval of that charter; provided, that the charter applicant shall be given sufficient notice and an opportunity to be heard before the board on the matter.". The amendment was rejected.

The same member then moved to amend the bill by adding the following section:

"SECTION 6. The Legislature, having made a finding that the grant of the charter to Gloucester Community Charter Arts School is unlawful and not in accordance with the procedures, regulations and statutes of the Commonwealth of Massachusetts, as evidenced and concluded by the Massachusetts Office of the Inspector General, hereby renders the charter void."

The amendment was rejected.

Mr. Hill of Ipswich moved to amend the bill by adding the following section:

"SECTION 6. Chapter 71 of the General Laws is hereby amended in Section 2 by adding after the word 'government' the following phrase:— and a program of relating to the flag of the United States of America, including but not limited to proper etiquette, the correct use and display of the flag, and the provisions of 36 U.S.C. 170 to 177."

The amendment was adopted.

Ms. St. Fleur of Boston then moved to amend the bill by adding the following section:

"SECTION 7. The department shall draft a model policy for school districts regarding the grade placement and eligibility for high school graduation of students leaving a commonwealth charter school and seeking to enroll in a district school. In drafting said model policy, the department shall confer with school districts and commonwealth charter schools. Said model policy shall be made available no later than December 31, 2010. Until a school district adopts a policy regarding the grade placement or eligibility for high school graduation of students leaving a commonwealth charter school, when determining the appropriate grade placement or eligibility for high school graduation of a student leaving a commonwealth charter school and enrolling in a district school, a district shall examine the course of study and level of academic attainment of the student."

The amendment was adopted.

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Ms. Sandlin of Agawam then moved to amend the bill in section 1, in line 98, by inserting after the word "education" the following: "(xiv) developmentally appropriate child assessments from pre-kindergarten through third grade, if applicable"; and, in line 326, by inserting after the word "education" the following: "(xiii) developmentally appropriate child assessments from pre-kindergarten through third grade, if applicable". The amendments were adopted.

The same member and Mr. Fernandes of Milford then moved to amend the bill in section 1, in lines 170 to 173, inclusive, by striking out the sentence contained therein and inserting in place the following sentence: "(i) Notwithstanding the provisions of subsection (h), the commissioner subject to the review and approval of the school committee may recommend to the board that an external receiver, as defined in subsection (h), be appointed to operate an underperforming school and implement the turnaround plan, or to assist the superintendent with such implementation.". The amendment was rejected.

The same members then moved to amend the bill in section 1, in lines 191 to 194, inclusive, by striking the paragraph contained therein and inserting in place the following paragraph:

"(l) In the case of an underperforming and chronically underperforming school or district the commissioner or his designee or external receiver, as applicable, shall provide a written report to the school committee, and at the request of the school committee shall present such report and respond to questions of the school committee on a quarterly basis to provide specific information about the progress being made on the implementation of the school's turnaround plan."

The amendment was rejected.

Representatives Sandlin of Agawam and Fernandes of Milford then moved to amend the bill in section 1, in lines 198 and 199, by striking the sentence contained therein and inserting in place thereof the following sentence: "The review shall be in writing and shall be submitted to the superintendent and school committee pursuant to the provisions of subsection (l) no later than July 1 for the preceding school year.". The amendment was rejected.

The same members then moved to amend the bill in section 1, in lines 251 to 261, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"Section 1K. (a) Upon a determination of the board pursuant to regulations adopted by the board and consistent with the provisions of subsection 1(b) that a school district, other than a single school district, has scored in the lowest 10 per cent statewide in student achievement data collected pursuant to section 1(l), when compared with other district performance in schools of the same grade levels, and has consistently failed to improve the academic performance of students attending school in the district, the commissioner shall appoint a district review team pursuant to section 55A of chapter 15 to assess and report on the reasons for the underperformance and prospects for improvement, unless there has been such as assessment by a district review within the previous year that the commissioner considers adequate. Upon review of the findings of the district review team, the board may declare the district chronically under-

performing. Not more than 2.5 per cent of the total number of school districts may be designated as chronically underperforming at any given time."

The amendment was rejected.

Representatives Sandlin and Fernandes then moved to amend the bill in section 1, in lines 382 to 390, inclusive, by striking out the two paragraphs contained therein and inserting in place thereof the following two paragraphs:

"(g) The commissioner or his designee or external receiver, as applicable, shall provide a written report to the school committee, and at the request of the school committee shall present such report and respond to questions of the school committee on a quarterly basis to provide specific information about the progress being made on the implementation of the district's turnaround plan.

(h) The commissioner shall annually evaluate the performance of the receiver. The purpose of such annual evaluation shall be to determine whether the district has met the annual requirement of the turnaround plan and to assess the overall implementation of the turnaround plan. The evaluation shall be in writing and shall be submitted to the board and the local school committee pursuant to the provisions of section 1 (l) no later than July 1 for the preceding school year."

The amendment was rejected.

Ms. Sandlin of Agawam then moved to amend the bill in section 2, in line 607, by inserting after the word "conditions." the following sentence: "When approving a new charter school, a renewal of a charter school or an expansion of an existing charter school, the board shall take into account the financial impact on the sending school districts and shall not grant a new charter, renew or expand an existing charter if it finds that the sending districts would be significantly adversely impacted.". The amendment was rejected.

The same member then moved to amend the bill in section 2, after line 881, by inserting the following paragraph:

"The total tuition amount owed by a sending district to a charter school shall be limited to 75% of the sum of the foundation budgets and adjusted foundation spending percentage to a maximum of \$5000 per pupil, multiplied by the total number of students attending the charter school from that district in the current fiscal year, provided that the tuition owed by a sending district shall exclude pupils who did not attend sending district public schools in the prior year but who were resident and eligible to attend public schools. The sending district's charter school tuition payments for purposes of the following paragraphs shall be the sum of the district's tuition amounts for each charter school to which the district sends students calculated using the provisions of this section. The receiving charter school's total charter school tuition amount shall be the sum of the tuition amounts calculated for the charter school for each district sending students to the charter school including tuition for students who, although eligible, did not attend district public schools in the prior year. The department of education shall, subject to appropriation, provide funding for any difference between the receiving charter school's total charter school tuition and the sending district's

tuition payment.”, in lines 890 to 901, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

“The state treasurer is hereby authorized and directed to deduct a district’s total charter school tuition payment, as calculated herein and subject to a maximum of \$5000 per pupil, from the total state school aid, as defined in section 2 of said chapter 70, of the district in which the student resides prior to the distribution of said aid. In the case of a child residing in a municipality which belongs to a regional school district, the charter school tuition amount shall be deducted from said chapter 70 education aid of the school district appropriate to the grade level of the child. If, in a single district, the total of all such deductions exceeds the total of said education aid, this excess amount, shall be deducted from other aid appropriated to the city or town. If, in a single district, the total of all such deductions exceeds the total state aid appropriated, the commonwealth shall appropriate this excess amount; provided, however, that if said district has exempted itself from the provision of chapter 70 by accepting section 14 of said chapter 70, the commonwealth shall assess said district for said excess amount.”, and in lines 905 to 908, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

“The department shall, subject to appropriation, provide funding to charter schools for a capital needs allocation. The department shall calculate a statewide per pupil average expenditure from state and local sources for capital costs solely associated with payments, including interest and principal payments, for the construction, renovation, purchase, acquisition, or improvement of school buildings and land. The department shall multiply said amount by the number of students the district sends to charter schools, and shall provide funding directly to charter schools for said costs. Such funding shall not be included in the tuition amount, and shall not be deducted from the chapter 70 aid of the sending district. In making these calculations, the department shall use data from the most recent year for which actual district expenditures have been reported by districts to the department. The board of elementary and secondary education shall adopt regulations for implementing the provisions of this subsection, including, but not limited to, regulations for determining the actual per pupil net school spending amounts in districts, and for calculating charter school tuition amounts. In adopting said regulations, the department shall consult with the executive office of administration and finance.”

The amendments were rejected.

Representatives Sandlin of Agawam and Sciortino of Medford then moved to amend the bill in section 2, in lines 912 to 915, inclusive, by striking out the sentence contained therein and inserting in place thereof the following sentence: “The reimbursement amount shall be equal to 100 per cent of the increase in the year in which the increase occurs: 60 per cent of that amount in the first year following; 40 per cent of that amount in the second year following; and 25 per cent in the fourth and fifth years following.”. The amendment was rejected.

Representatives Sandlin of Agawam and Fernandes of Milford moved to amend the bill in section 2, in lines 919, 921 and 924, by striking out the figures “20” and inserting in place thereof, in each instance, the figure “5”. The amendments were rejected.

Representatives Sandlin of Agawam and Fernandes of Milford moved to amend the bill by adding the following section:

“SECTION 8. In the event that the provisions of this act require bargaining with the employee representative, the school district shall be represented pursuant to chapter 150E.”.

The amendment was rejected.

Ms. Polito of Shrewsbury and other members of the House then moved to amend the bill [A] in section 2, in lines 909 to 915, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

“(gg). In a year during which a sending district’s total district-sponsored charter school tuition amount is greater than the sending district’s total district-sponsored charter tuition amount for the previous year, the sending district shall be reimbursed by the Commonwealth in accordance with this paragraph and subject to appropriation; provided, however, that no funds for the reimbursements shall be deducted from funds distributed under Chapter 70. The reimbursement amount shall be equal to 100 per cent of the increase in the year in which the increase occurs, 60 per cent in the second year, 40 per cent in the third year, and 35 per cent in the fourth, fifth, and sixth years following.”.

Pending the question on adoption of the amendment, Mr. Pedone of Worcester moved to amend it by striking out the text contained therein [at “A”] and inserting in place thereof the following:— by adding the following section:

“SECTION 8. There is hereby established a charter school working group to study the fiscal impact of charter school upon the districts that would otherwise be expected to educate the students they enroll. The working group shall report its findings and conclusions to the general court and make recommendations regarding any necessary legislative and regulatory changes which are suggested by those findings and conclusions. The first meeting of the working group shall take place within 30 days after the effective date of this act.

The working group shall consist of: the speaker of the house of representatives, or his designee; the president of the senate, or her designee; the minority leaders of the house and senate, or their designees; the house and senate chairs of the joint committee on education; the chairs of the house and senate committee on ways and means, who shall serve as co-chairs; the secretary of administration and finance, or his designee; the secretary of education, or his designee; the Commissioner of Elementary and Secondary Education, or his designee; and 2 appointees of the governor.

In carrying out its charge, the working group shall examine, report on, and make recommendations regarding, the following matters:

(a) the appropriateness and effectiveness of the provisions of chapter 71, section 89(gg), as amended by this act, at minimizing the adverse financial impact of charter schools on sending school districts.

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(b) Whether a three-year period of time between charter approval, or significant expansion, and the end of transitional reimbursements made under the provision of subsection (gg) are sufficient for sending districts to adjust to the enrollment changes resulting from the establishment, or expansion, of a charter school.

(c) Whether tuition reimbursements payments should continue to be made to sending districts for a period beyond three years after a charter school has reached its projected and approved enrollment cap to reimburse rising costs associated with normal enrollment fluctuations and inflation costs already included in calculations of so-called chapter 70 aid. Said report shall include approximate ongoing and projected costs to the commonwealth of continuing such reimbursement for normal enrollment fluctuations and inflation costs.

(d) The appropriateness and financial implications of establishing a minimum percentage of foundation budgets of students attending charter schools to be paid to sending districts by the commonwealth from all state aid sources on an ongoing basis.

The working group shall solicit advice from such persons and entities as it deems necessary, including the department of education, associations representing superintendents, other educational administrators, teachers, school business officers, municipal officials and charter schools.

The working group shall file a report containing its recommendations, including legislation and regulations necessary to carry out its recommendations, with the joint committee on education and the clerks of the house and senate not later than December 31, 2010 months following the first meeting of the working group."

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Ms. Polito of Shrewsbury; and on the roll call 121 members voted in the affirmative and 33 in the negative.

[See Yeas and Nays No. 275 in Supplement.]

Therefore the further amendment was adopted, thus precluding a vote on the pending amendment.

Mr. Petrolati of Ludlow being in the Chair,— Ms. Provost of Somerville then moved to amend the bill in section 2, in lines 567 to 605, inclusive, by striking out the three paragraphs contained therein. After remarks the amendment was rejected.

Ms. St. Fleur of Boston and other members of the House then moved to amend the bill in section 1, line 53, by inserting after the word "appropriate." The following sentence: "The commissioner may allow for an expedited turnaround plan for schools that have been previously designated as underperforming and where the district has turnaround plan that has had a public comment period, and approval of the local school committee." The amendment was adopted.

Ms. Khan of Newton of Newton and other members of the House then moved to amend the bill in section 1, in lines 110 to 114, inclusive, by striking out clause (iv) and inserting in place thereof the following clause: "(iv) provide funds, subject to appropriation and following consultation with applicable local unions, to increase the salary of any administrator, school nurse or teacher in the school, in

Further amendment adopted,— yeas and nays No. 275.

order to attract or retain highly qualified administrators, school nurses or teachers or to reward administrators, school nurses or teachers who work in underperforming schools that achieve the annual goals set forth in the turnaround plan"; in lines 125 and 126, by striking out clause (x) inserting in place thereof the following clause: "(x) include a provision of job-embedded professional development for teachers or school nurses at the school, with an emphasis on strategies that involve teacher or school nurse input and feedback"; in line 339 to 343, inclusive, by striking out clause (iii) and inserting in place thereof the following clause: "(iii) provide funds, subject to appropriation, to increase the salary of any administrator, school nurse or teacher in the district working in an underperforming or chronically underperforming school, in order to attract or retain highly qualified administrators, school nurses or teachers to those schools or in order to reward administrators, school nurses or teachers who work in chronically underperforming districts that achieve the annual goals set forth in the turnaround plan"; and, in lines 352, 353 and 354, by striking out clause (ix) and inserting in place thereof the following clause: "(ix) include a provision of job-embedded professional development for teachers or school nurses in the district, with an emphasis on strategies that involve teacher or school nurse input and feedback".

After remarks the amendments were adopted.

The Chair (Mr. Petrolati of Ludlow) then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet to meet beyond the hour of nine o'clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 129 members voted in the affirmative and 26 in the negative.

[See Yeas and Nays No. 276 in Supplement.]

Therefore Rule 1A was suspended.

Mr. Donato of Medford being in the Chair,— Ms. Story of Amherst then moved to amend the bill in section 1, in line 107, after the word "school", and also in line 335, after the word "district" (the second time it appears), by inserting, in each instance, the words ", including the implementation of research based early literacy programs and one on one early literacy interventions for struggling readers". After remarks the amendments were adopted.

Ms. Wolf of Cambridge then moved to amend the bill section 2, in line 503, by striking out the word "and"; and, in line 507, by inserting after the word "profile" the following: "; and (xvi) plans for disseminating successes and innovations of the charter school to other non-charter public schools". After remarks the amendments were adopted.

Mr. Murphy of Burlington and other members then moved to amend the bill in section 1, in line 89, after the word "applicable" by inserting the following: "; (xi) alternative English language learning programs for limited English proficient students, notwithstanding chapter 71A"; in line 142, after the word "cause" by inserting the following paragraph:

Suspension of Rule 1A.

Rule 1A suspended,— yeas and nays No. 276.

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“For a school with limited English proficient students, the professional development and planning time for teachers and administrators identified in clauses (x), (xi) and (xii) shall include specific strategies and content designed to maximize the rapid academic achievement of limited English proficient students at the school.”; in line 317, after the word “applicable” by inserting the following: “; (x½) alternative English language learning programs for limited English proficient students, notwithstanding chapter 71A”; in line 366, by inserting the following paragraph:

“For a district with limited English proficient students, the professional development and planning time for teachers and administrators identified in clauses (ix), (x) and (xi) shall include specific strategies and content designed to maximize the rapid academic achievement of limited English proficient students in the district.”, and by adding the following section:

“SECTION 9. Notwithstanding any general or special law to the contrary, any underperforming or chronically underperforming school, as designated by section 1J of chapter 69 of the General Laws, operating a limited English proficient program or programs for limited English proficient students in any 1 language group shall establish a limited English proficient parent advisory council. The parent advisory council shall be comprised of parents or legal guardians of students who are enrolled in limited English proficient programs within the school. Each parent advisory council shall have at least 1 representative from every language group in which a program is conducted in a given school. Membership shall be restricted to parents or legal guardians of students enrolled in limited English proficient programs within the school. The duties of the parent advisory council shall include, but not be limited to, advising the school on matters that pertain to the education of students in limited English proficient programs, meeting regularly with school officials to participate in the planning and development of a plan to improve educational opportunities for limited English proficient students, and to participate in the review of school improvement plans established under section 59C of chapter 71 of the General Laws as they pertain to limited English proficient students. Any parent advisory council may, at its request, meet at least once annually with the school council. The parent advisory council shall establish by-laws regarding officers and operational procedures. In the course of its duties under this section, the parent advisory council shall receive assistance from the director of limited English proficient programs for the district or other appropriate school personnel as designated by the superintendent.”.

After remarks the amendments were adopted.

Mr. Stanley of Waltham then moved to amend the bill by adding the following section:

“SECTION 10. Subsection (g) of section 89 of Chapter 71 of the General Laws, as so appearing, is hereby amended by adding the following sentence:— The public hearing shall be held in the town where said charter school is to be located and a majority of the members of the board of education shall be present.”.

The amendment was rejected.

The same member then moved to amend the bill in section 2, in line 915, by inserting after the word “following” the following: “; and 25 per cent of that amount in the third and fourth years following”. The amendment was rejected.

Mr. Stanley then moved to amend the bill in section 2, in lines 514 to 521, inclusive, by striking out clause (g) and inserting in place thereof the following clause:

“(g) In order to ensure that a commonwealth charter school is able to fulfill its obligations under its recruitment and retention plan, the school district or districts from which the commonwealth charter school is expected to enroll students shall annually provide, but only with the approval of the local school board for a district charter school or by the majority of school committees for a regional charter school, at the request of a commonwealth charter school, to a third party mail house authorized by the department, the addresses for all students in the district eligible to enroll in the school, unless a student’s parent or guardian requests that the district withhold this information, and the department may require the charter school send a mailing in the most prevalent languages of the district or districts that the charter school is authorized to serve.”.

The amendment was rejected.

Messrs. Sciortino of Medford and Sannicandro of Ashland then moved to amend the bill by adding the following section:

“SECTION 10. The MCAS exam, as established in section 1I of Chapter 69 of the General Laws, shall not be used for the purpose of competency determination for high school graduation.”.

The amendment was rejected.

The same members then moved to amend the bill by adding the following section:

“SECTION 10. The Commissioner of Elementary and Secondary Education shall select a panel of three experts from a list of nationally qualified experts in educational assessment provided by the National Research Council of the National Academy of Sciences, and two educators, one an elementary teacher and the other a secondary school teacher, from a list of experienced teachers provided by the Massachusetts Teachers Association and the AFT-Massachusetts, to perform a study of the statewide standardized tests established in section 1I of Chapter 69 of the General Laws, as appearing in the 2008 Official Edition.

The study shall review the validity, reliability, quality and age and language appropriateness of the standardized tests established in section 1I. It shall evaluate the extent to which the MCAS tests reflect and assess the full range of the subject areas, including higher order thinking skills. The study shall review both possible benefits and negative consequences of using such tests in meeting the high school graduation competency determination. The study shall also make recommendations on the development of local interim and summative assessments and professional development for teachers in using those assessments and in the use of effective formative assessment practice.

The Commissioner of Elementary and Secondary Education shall enter into a contract on behalf of the Department of Elementary and

Secondary Education, with the selected panel to conduct such a study. The Commissioner and the Department of Elementary and Secondary Education shall assist the panel in obtaining all information, documents or other evidence necessary to conduct the study. The department may use a portion of such funds as may be received from the Race to the Top program in the federal ARRA for this purpose. The findings, conclusions and recommendations of the Commission shall be presented to the Board of Elementary and Secondary Education, to the Joint Committee on Education, and published on the Department of Elementary and Secondary Education website no later than December 31, 2010.”

The amendment was rejected.

Messrs. Hill of Ipswich and Jones of North Reading then moved to amend the bill by adding the following section:

“SECTION 10. In order to determine, as a basis for legislative action, the resources needed to achieve the commonwealth’s educational goals, a committee, to be known as the Education Resource Study Committee, made up of the chairs of the Joint Committee on Education, the Secretary of Administration and Finance or his designee, and the Secretary of Education or his designee is hereby authorized to conduct a study to determine the resources necessary to achieve the commonwealth’s educational goals. The committee shall contract with an independent consultant to conduct an assessment to ascertain the resources and the costs of the resources needed to provide all students in Massachusetts with the opportunity for a high quality education to enable them to reach their potential as set forth in the Education Reform Act of 1993 and in this act.

For purposes of its work, the committee and consultant shall have access to all necessary papers, vouchers, books and records pertaining to the department of elementary and secondary education and to any school district in the commonwealth. The department of elementary and secondary education shall cooperate with the committee and consultant for any purpose connected to its work pursuant to this act, including, but not limited to, participating in interviews and producing books, records and documents. School districts and their personnel shall make every effort to cooperate with reasonable requests of the committee and consultant for any purpose connected to its work pursuant to this act and to the extent possible shall participate in interviews and producing books, records and documents. The committee and consultant may request reasonable assistance from the commissioner of elementary and secondary education and from the superintendent of any school district. The commissioner shall furnish the committee and consultant with any relevant information in his possession which is requested by the committee and consultant. School districts shall endeavor to provide relevant information in their possession to the committee and consultant to the extent possible consistent with the need to maintain the confidentiality of information in their possession.

The committee shall:

(1) Prepare a request for proposals for the conduct of a resource study, advertise nationally for such proposals, evaluate the proposals and contract with an appropriate independent entity or independent consultants to conduct a professional evaluation of

a) the extent of educational and other resources required by school districts so that they are able to implement fully each of the seven curriculum frameworks and fulfill the goals of the Education Reform Act and this act, and

b) the resources required by the department of elementary and secondary education so that it is able to fulfill its responsibilities under the provisions of the Education Reform Act. Such responsibilities shall include providing technical assistance to school districts so that they can improve the capacity of school districts to implement the curriculum frameworks effectively and devising instructional strategies which improve learning for diverse student populations.

(2) Include in its request for proposals the requirements that in conducting its study, the consultant shall do the following:

(a) consider and evaluate all the resources which relate to student learning and educational opportunity, including, but not limited to: class size; special education programs, including programs for English language learners; pre-school programs for all 3- and 4-year-olds and full-day kindergarten; additional resources needed to assure educational opportunity for low-income students; salaries needed to attract and retain high quality professionals; technology; extra-curricular programs; remedial programs for students at risk of failing to satisfy graduation requirements; additional resources needed to implement the model curriculum on global education and international studies as developed by the department of elementary and secondary education; quality books and equipment for science lab programs; programs which insure adequate preparation for careers in science, technology engineering and mathematics; and historical inequities and methods of preventing such inequities from arising in the future;

(b) provide the committee with a proposed work plan before beginning the study;

(c) interview and consult with representatives of educational professions and other groups involved in issues of educational policy and finance, including, but not limited to, the Massachusetts Association of School Superintendents, the Massachusetts Association of School Committees, the Massachusetts Teachers Association, the American Federation of Teachers/Massachusetts, the Massachusetts Municipal Association, the Rennie Center for Education Research and Policy, the Council for Fair School Finance, the Massachusetts Budget and Policy Center, the Massachusetts Taxpayers Foundation, Massachusetts Business Alliance for Education, the Commissioner of the Department of Elementary and Secondary Education, the Robert H. Goddard Council on Science, Technology, Engineering, and Mathematics (STEM) Education, the Massachusetts STEM Resource Network, the Massachusetts Parent Teacher Organization, Stand for Children, academics and researchers involved in educational strategies, and the general public through public hearings and through such other means as the consultant shall direct;

(d) review successful educational programs in schools and school districts with diverse socio-economic characteristics and racial make-up and assess the possibility of replicating such programs in other schools and school districts;

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(e) file monthly progress reports with the committee outlining the work of the previous month and the work planned for the upcoming month;

(f) after the completion of one-third of the work and again after completion of two-thirds of the work, participate in a forum with the committee to provide an opportunity for public comment;

(g) issue a preliminary report on its work and the cost study and solicit comments, criticisms and suggestions from professional educators, education administrators and experts in education policy and finance concerning the report; and

(h) deliver a final report to the president of the senate, the speaker of the house of representatives, and the joint committee on education no later than September 1, 2011."

Pending the question on adoption of the amendment, Mr. Kaufman of Lexington moved to amend it by striking out the proposed section 10 and inserting in place thereof the following section:

"SECTION 10. In order to inform the general court, and any legislative working group, in its efforts to appropriately identify the financial and programmatic resources required to achieve the educational goals of the commonwealth, the commissioner of elementary and secondary education is hereby directed to report and advise the general court on the following matters:

a. The most current and accurate methodologies in use in other states, municipalities, or school districts in order to determine the programmatic and financial resources required to meet the educational goals of those states, municipalities, or school districts.

1. The account of such methodologies shall include a summary of current academic debates, from refereed academic journals or other scholarly publications known to the department of elementary and secondary education (DESE) regarding the various strengths and shortcomings of the identified methodologies currently in use.

b. A listing of the various academic and consulting services available to the general court if it chooses to utilize any one of, or combination of, the identified methodologies in its efforts to accurately identify the resources required to meet its goals.

1. The listing shall include a proposal of how the general court should solicit participation by such academic or consulting services and secure such services at a competitive price.

c. A detailed summary of the appropriate elements, matters, and topics to be evaluated and addressed by such legislative study group and an anticipated timeline for the group to thoroughly consider all relevant matters.

d. An estimate of the likely cost of hiring consultant services to assist a legislative working group in its efforts to appropriately identify the financial and programmatic resources required to achieve the educational goals of the Commonwealth.

e. A description of the services, support, and information that the department believes it is best suited to provide to such a working group.

f. A listing of the specific capacity of the department to provide the following information and support to the working group and the budget necessary for the department to do so:

1. Staff expertise on matters relating to school and district financing, program offerings, and program evaluations.

2. Data on school and district expenditures and revenues from all sources.

3. An analysis of the costs and expenditures of schools and districts relative to the categories of their foundation budgets as calculated pursuant to chapter 70 and how such relative costs and expenditures have changed in the period since adoption of the Massachusetts Education and Reform Act of 1993.

The commissioner shall file his report containing any recommendations related to the above listed matters with the joint committee on education and the clerks of the house and senate not later than September 1, 2010."

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Mr. Hill of Ipswich; and on the roll call 118 members voted in the affirmative and 37 in the negative.

[See Yeas and Nays No. 277 in Supplement.]

Therefore the further amendment was adopted, thus precluding a vote on the pending amendment.

Mr. McCarthy of East Bridgewater then moved to amend the bill in section 2, in line 512, after the word "shall" by inserting the words "be updated annually and shall"; and, in line 906, by inserting after the word "amount" the words "and shall reimburse the sending school districts for said costs". The amendments were adopted.

Mr. Murphy of Burlington then moved to amend the bill in section 2, in line 677, after the word "admitted." by inserting the following paragraph:

"When a student stops attending a charter school for any reason, the charter school shall fill the vacancy with the next available student on the waitlist for the grade in which the vacancy occurs and shall continue through the waitlist until a student fills the vacant seat. If there is no waitlist, a charter school shall publicize an open seat to the students of the sending district or districts and make attempts to fill said vacant seat. Charter schools shall attempt to fill vacant seats up to February 15, provided, however, that charter schools may but are not required to fill vacant after February 15. If a vacancy occurs after February 15, such vacancy shall remain with the grade cohort and shall be filled in the following September if it has not previously been filled. A vacancy occurring after February 15 shall not be filled by adding a student to a lower grade level. For schools that begin in grades K, 1, 2 or 3, this paragraph shall apply only to the first three grades served in the school. For schools that begin in grades 4, 5, 6, 7 or 8, this paragraph shall apply only to the first two grades served in the school. For schools that begin in grade 9, this paragraph shall apply only to the first grade served in the school. Within 30 days of a vacancy being filled, the charter school shall send the name of the student filling such vacancy to the department for the purposes of the department updating its waitlist."

The amendment was adopted.

Mr. Stanley of Waltham then moved to amend the bill by adding the following section:

Further amendment adopted, — yeas and nays No. 277.

"SECTION 11. Notwithstanding any general or special law to the contrary, any charter school whose charter was granted after January 1, 2010 and offers residential housing for its students shall be funded by any town where a student primarily resided in the previous 12 months prior to enrollment."

The amendment was rejected.

Ms. Wolf of Cambridge then moved to amend the bill in section 1, in line 98, after the word "education," by inserting the following paragraph:

"In developing the educational program of the turnaround plan, the commissioner and stakeholder group shall consider including evidenced based approaches to assisting students at risk and closing the achievement gap that are relevant for the school level and demographics of the underperforming school such as, but not limited to, programs that improve school readiness for children including their social, emotional, and cognitive development; universal breakfast; full day kindergarten; early literacy programs; low class size in grades K-3; trauma sensitive schools; intensive English Language Learner programs; inclusion programs; extended day or week programs; summer programs; thematic approaches, e.g. arts, or math, science, and technology; or breaking up large schools into smaller administrative and academic units. To the extent that such programs require additional funds, the superintendent, the local stakeholder group, the school committee and the commissioner shall coordinate with the secretary of education to advocate for grants from the state and federal government and contributions from charitable foundations or private corporations."

The amendment was adopted.

Representatives Sandlin of Agawam and Peake of Provincetown then moved to amend the bill by adding the following section:

"SECTION 11. Notwithstanding any general or special law to the contrary, regional school transportation payments made by the state in any fiscal year through the general appropriations act shall not be reduced by more than 110 per cent of any reduction made to chapter 70 payments in that fiscal year."

The amendment was adopted.

Mr. Sciortino of Medford then moved to amend the bill in section 2, in line 920, after the word "year", by inserting the words "as is reported in a capital plan to be submitted in the school's most recent annual report". The amendment was adopted.

The same member then moved to amend the bill in section 1, in line 133, after the following: "subsection (c)" (as changed by the committee on Bills in the Third Reading) by inserting the following: "; or (xiv) establish strategies to address mobility and transiency among the student population of the school.", and in line 360, after the following: "subsection (b)" inserting the following: "; or (xiii) establish strategies to address mobility and transiency among the student population of the district".

The amendments were adopted.

Ms. Ferrante of Gloucester then moved to amend the bill by adding the following section:

"SECTION 12. Commonwealth charter schools shall be funded as follows: the commonwealth shall pay a tuition amount to a charter school, which shall be the sum of the tuition amounts calculated separately for each district sending students to the charter school, provided, however, that the commonwealth shall not pay any tuition to a charter school that receives a charter from the board of education after January 1, 2009 unless the secretary of education first certifies in writing to the governor that the charter was granted in accordance with the provisions of this act and that the charter school office of the department of elementary and secondary education made a determination prior to the granting of the charter that the charter group's application meets the criteria for the final charter application. Should the Secretary not be able to certify the charter in accordance with this subsection, the board of elementary and secondary education shall have the authority to render the charter void."

The amendment was rejected.

The same member then moved to amend the bill in section 2, in line 529, after the word "hearing.", by inserting the following sentence: "A comprehensive written summary of all materials prepared by the Department of Elementary and Secondary Education or its administrative subdivisions, which evaluates or recommends approval or disapproval of a charter application must be delivered to the members of the board, the applicant, in support of, or in opposition to, the school submitted no later than 3 days before any board vote on said charter application." The amendment was rejected.

Ms. Grant of Beverly and other members of the House then moved to amend the bill in section 2, in lines 588, 589 and 590 by striking out the sentence contained therein; and the amendment was rejected.

Ms. Grant and other members of the House then moved to amend the bill in section 2, in lines 847 to 856, inclusive, by striking out clause (ff) and inserting in place thereof the following clause:

"(ff) For each student enrolling in a charter school, there shall be a school choice tuition amount. Said tuition amount shall be not more than five thousand dollars per pupil per year; provided, however, that for non-residential special education students, the tuition amount shall remain the expense per student for such type of education as is required. Any remaining tuition shall be funded by a separate line item in the budget of the Department of Elementary and Secondary Education; provided, that no funds shall be taken from Chapter 70 school funding."

The amendment was rejected.

Mr. Donelan of Orange then moved to amend the bill in section 3, in line 1078, after the word "attendance" by inserting the words "or participation"; and the amendment was adopted.

Ms. Forry of Boston and other members of the House then moved to amend the bill in section 2, in line 596, after the word "students" by inserting the following: "from either special education and students who are limited English proficient or similar language proficiency as measured by the Massachusetts English Proficiency Assessment examination and 2 or more of the following categories: students eligible for free lunch; students eligible for reduced price lunch; students

who are sub-proficient, which shall mean students who have scored in the 'needs improvement', 'warning' or 'failing' categories on the mathematics or English language arts exams of the Massachusetts Comprehensive Assessment System for 2 of the past 3 years or as defined by the department using a similar measurement; students who are determined to be at risk of dropping out of school based on predictors determined by the department; students who have dropped out of school; or other at-risk students who should be targeted in order to eliminate achievement gaps among different groups of students". The amendment was adopted.

Messrs. Tobin of Quincy and Walsh of Boston then moved to amend the bill in section 1, in lines 137 to 142, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"If the superintendent does not accept an application submitted pursuant to clause (vii), or if an employee does not submit such an application, the principal, administrator, teacher, or staff member shall retain such rights as may be provided under law or any applicable collective bargaining agreement, except that they shall not have the right to displace any teacher with professional teacher status in any other school. A teacher with professional teacher status in a school declared underperforming may be dismissed for just cause. A teacher with professional teacher status in a chronically underperforming school may be dismissed for good cause.", and in lines 361 to 366, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"If the receiver does not accept an application submitted pursuant to clause (vii), or if an employee does not submit such an application, the principal, administrator, teacher, or staff member shall retain such rights as may be provided under law or any applicable collective bargaining agreement. A teacher with professional teacher status in a district declared underperforming may be dismissed for just cause. A teacher in a chronically underperforming school district may be dismissed for good cause."

The amendments were adopted.

Ms. St. Fleur of Boston and other members of the House then moved to amend the bill in section 2, in line 467, after the word "agent" by inserting the following: "; provided, however, that as many as 9 Horace Mann charter schools may be approved in the city of Boston by the local school committee and the superintendent"; and, in line 826, after the word "located" by inserting the following: "; provided, however, that the 9 Horace Mann charter schools established in the city of Boston under subsection (c) may be renewed with the approval of the local school committee and superintendent".

The amendments were adopted.

Messrs. Donelan of Orange and Kulik of Worthington then moved to amend the bill by adding the following section:

"SECTION 12. Section 61 of chapter 71 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following paragraph:—

A town may withdraw from participation in a union by a majority vote of the school committee of the town. Said withdrawal may be for the purpose of forming an innovation school or exploring alter-

native school governance structures. Withdrawal and termination of participation by a town shall be independent of any pending votes regarding dissolution of the union or pending votes by another town regarding its participation. The school committee shall designate an effective date for termination or participation."

The amendment was adopted.

Mr. Murphy of Burlington then moved to amend the bill in section 1, in lines 137 to 142, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"If the superintendent does not accept an application submitted pursuant to clause (vii) or if an employee does not submit such an application, the principal, administrator, teacher, or staff member shall retain such rights as may be provided under law or any applicable collective bargaining agreement, except that they shall not have the right to displace any teacher in any other school. Notwithstanding any collective bargaining agreement to the contrary, a teacher with professional teacher status in a school declared underperforming or chronically underperforming may be dismissed for good cause, provided that any such dismissal process will be reviewed solely and exclusively by expedited arbitration."; in section 2, in line 529, after the word "hearing," by inserting the following sentence: "A comprehensive written summary of all materials prepared by the Department of Elementary and Secondary Education or its administrative subdivisions, which evaluates or recommends approval or disapproval of a charter application must be delivered to the members of the board, the applicant, in support of, or in opposition to, the school submitted no later than 3 days before any board vote on said charter application.", and by adding the following two sections:

"SECTION 13. Notwithstanding any general or special law to the contrary, the Department of Education is hereby authorized and directed to study the inequities resulting from the past and current applications of the educational funding methodology contained in Chapter 70 of the General Laws as established in the Education Reform Act of 1993 and subsequently modified from time to time.

Said study shall include but not be limited to a) inequities between communities arising from the utilization of local educational authority spending prior to 1993 as a factor in determining a community's ability to pay for education in subsequent years, b) inequities caused by an over-reliance on the property value in a community in calculating a community's ability to pay for education, and c) inequities produced by other elements involved in measuring the ability to pay for education or the accurate cost of education in a particular community. The results of said study, together with any necessary legislative recommendations to eliminate inequities in state educational funding for local school districts, shall be filed with the clerks of the House and Senate not later than June 1, 2010.

SECTION 14. Notwithstanding any general or special law to the contrary, regional school transportation payments made by the state in any fiscal year through the general appropriations act shall not be lowered by a greater percentage than any reduction made to state chapter 70 payments in that fiscal year."

The amendments were adopted.

Mr. Murphy of Burlington then moved to amend the bill in section 1, in lines 119 to 123, inclusive, by striking out clause (viii) and inserting in place thereof the following clause: "(viii) if, after considering the recommendations of the group of stakeholders, the commissioner considers it necessary to maximize the rapid academic achievement of students at the applicable school by altering the compensation, hours and working conditions of the administrators, teachers, principals and staff at the school or by altering other provisions of a contract of collective bargaining agreement applicable to the administrators, teachers, principals and staff, the commissioner may request that the school committee and any union bargain or reopen the bargaining of the relevant collective bargaining agreements to facilitate such achievement. The bargaining shall be conducted in good faith and completed not later than 30 days from the point at which the commissioner requested that the parties bargain. The agreement shall be subject to ratification within 10 business days by the bargaining unit members in the school. If the parties are unable to reach an agreement within 30 days or if the agreement is not ratified within 10 business days by the bargaining unit members of the school, the parties shall submit remaining unresolved issues as an appeal to a joint resolution committee for dispute resolution process on the next business day following the end of the 30 day bargaining period or failure to ratify. The joint resolution committee shall be comprised of 3 members, 1 of whom shall be appointed by the employee organization within 3 business days following the submission of unresolved issues to the joint resolution committee, 1 of whom shall be appointed by the superintendent within 3 business days following the submission of unresolved issues to the joint resolution committee and 1 who shall be selected through the American Arbitration Association who shall have an educational background forthwith forward to the parties a list of 3 names from which the parties may agree upon a single conciliator provided, however, that each conciliator from among the 3 and within 3 business days the American Arbitration Association shall select an arbitrator from the remaining names. The joint resolution committee shall conduct a dispute resolution process to be concluded within 10 business days of selection. This process shall be conducted in accordance with the rules of the American Arbitration Association and consistent with this section. The fee for the arbitration shall be shared equally between the 2 parties involved in the arbitration.

The joint resolution committee shall consider the positions of the parties, the designation of the school as underperforming and the needs of the students in the school. Notwithstanding any other provision of this chapter, the decision of the joint resolution committee shall be dispositive of all the issues in dispute and shall be submitted to the parties within 10 business days of the close of the hearing. Under no circumstance, shall a time extension be granted beyond 10 business days of the close of the hearing. In the event that a decision is not submitted to the parties within 10 business days, the Commissioner will resolve all outstanding issues"; in lines 137 to 142, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

If the superintendent does not accept an application submitted pursuant to clause (vii), or if an employee does not submit such an application, the principal, administrator, teacher, or staff member shall retain such rights as may be provided under law or any applicable collective bargaining agreement, except that they shall not have the right to displace any teacher in any other school. Notwithstanding any collective bargaining agreement to the contrary, a teacher with professional teacher status in a school declared underperforming or chronically underperforming may be dismissed for good cause, provided that any such dismissal process will be reviewed solely and exclusively by expedited arbitration."; in lines 344 to 347, inclusive, by striking out clause (v) and inserting in place thereof the following clause: "(v) if, after considering the recommendations of the group of stakeholders, the commissioner considers it necessary to maximize the rapid academic achievement of students at the applicable school by altering the compensation, hours and working conditions of the administrators, teachers, principals and staff at the school or by altering other provisions of a contract of collective bargaining agreement applicable to the administrators, teachers, principals and staff, the commissioner may request that the school committee and any union bargain or reopen the bargaining of the relevant collective bargaining agreements to facilitate such achievement. The bargaining shall be conducted in good faith and completed not later than 30 days from the point at which the commissioner requested that the parties bargain. The agreement shall be subject to ratification within 10 business days by the bargaining unit members in the school. If the parties are unable to reach an agreement within 30 days or if the agreement is not ratified within 10 business days by the bargaining unit members of the school, the parties shall submit remaining unresolved issues as an appeal to a joint resolution committee for dispute resolution process on the next business day following the end of the 30 day bargaining period or failure to ratify.

The joint resolution committee shall be comprised of 3 members, 1 of whom shall be appointed by the employee organization within 3 business days following the submission of unresolved issues to the joint resolution committee, 1 of whom shall be appointed by the superintendent within 3 business days following the submission of unresolved issues to the joint resolution committee and 1 who shall be selected through the American Arbitration Association who shall have an educational background forthwith forward to the parties a list of 3 names from which the parties may agree upon a single conciliator provided, however, that each conciliator from among the 3 and within 3 business days the American Arbitration Association shall select an arbitrator from the remaining names. The joint resolution committee shall conduct a dispute resolution process to be concluded within 10 business days for selection. This process shall be conducted in accordance with the rules of the American Arbitration Association and consistent with this section. The fee for the process shall be shared equally between the 2 parties involved in the arbitration.

The joint resolution committee shall consider the positions of the parties, the designation of the district as chronically underperform-

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ing and the needs of the students in the school. Notwithstanding any other provision of this chapter, the decision of the joint resolution committee shall be dispositive of all the issues in dispute and shall be submitted to the parties within 10 business days of the close of the hearing. In the event that a decision is not submitted to the parties within 10 business days, the Commissioner will resolve all outstanding issues"; and, in line 367, by striking out the figures "60" and inserting in place thereof the figures "95".

The amendments were adopted.

Mr. Moran of Boston and other members of the House then moved to amend the bill in section 3, in line 1096, after the word "plan" (the first time it appears) by inserting the following: "; provided, however, that in a municipality with more than 500,000 residents there may be as many as 4 new Innovation Schools established solely with the approval of the superintendent and the school committee".

The amendment was adopted.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays at the request of Ms. Walz of Boston; and on the roll call 119 members voted in the affirmative and 35 in the negative.

[See Yea and Nay No. 278 in Supplement.]

Therefore the bill (Senate, No. 2216, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments adopted by the House [note: This bill was recalled from the Senate and reconsidered the following day. Two adopted amendments were then reconsidered and rejected. See House Journal of Thursday, January 7, 2010].

Orders.

On motion of Mr. O'Flaherty of Chelsea,—

Ordered, That the Clerk begin the keeping of, and making available daily in a format determined by the Speaker in consultation with the Clerk, the Journal, as authorized by Rule 10, and that the daily reading thereof be dispensed with, that, under authority of Section 10 of Chapter 5 of the General Laws, copies of the Journal for the entire session be printed and bound with the customary appendices and an index; and that an attested bound copy be deposited with the Secretary of the Commonwealth as the official Journal of the House.

On motion of Mr. Murphy of Burlington,—

Ordered, That notwithstanding the provisions of any rule to the contrary, the House membership of all committees of the General Court for the year two thousand ten shall be the same as at the time of dissolution of the two thousand nine session of the General Court.

On motion of Mr. Jones of North Reading,—

Ordered, That the Clerk be directed to spread upon the records of the House the daily prayers offered by the duly appointed Chaplain.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Bill passed to be engrossed,—yea and nay No. 278.

Journal of the House.

Committees of the General Court,—House membership.

Chaplain's prayers,—printing.

Next sitting.