

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin G. Honan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to safe schools.

PETITION OF:

NAME:

Kevin G. Honan

DISTRICT/ADDRESS:

17th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 455 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO SAFE SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 71 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by
2 inserting after Sections 37H and 37H1/2 thereof the following new section:—
3 Section 37H3/4. (a) A teacher may send a student to the principal’s office to maintain effective
4 discipline in the classroom. The principal shall respond by employing appropriate discipline
5 management techniques consistent with the student code of conduct adopted under Section 37H,
6 which shall include conditions that authorize or require a principal or other appropriate
7 administrator to transfer a student to an alternative education program as provided by subsection
8 (d). A teacher may remove from class a student who has been documented by the teacher to
9 repeatedly interfere with the teacher’s ability to communicate effectively with the students in the
10 class or with the ability of the student’s classmates to learn; or whose behavior the teachers
11 determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher’s
12 ability to communicate effectively with the students in the class or with the ability of the
13 student’s classmates to learn. If a teacher removes a student from class the principal may place
14 the student into in-school suspension or into an alternative education program. The terms of the
15 removal may prohibit the student from attending or participating in school-sponsored or school-
16 related activity. The principal may not return the student to that teacher’s class without the
17 teacher’s consent unless the committee established under subsection (b) determines that such
18 placement is the best or only alternative available.
19 (b) Each school shall establish a three-member committee to determine placement of a student
20 when a teacher refuses the return of a student to the teacher’s class and make recommendations
21 to the district regarding re-admission of expelled students. Members shall be appointed as
22 follows: (1) the campus faculty shall choose two teachers to serve as members and one teacher to
23 serve as an alternate member; and, (2) the principal shall choose one member from the

24 professional staff of a campus. The teacher refusing to re-admit the student may not serve on the
25 committee.

26 (c) A student shall be removed from class and placed in an alternative education program if the
27 student engages in conduct that contains the elements of the offense of retaliation against any
28 school employee.

29 The terms of a placement under this section must prohibit the student from attending or
30 participating in a school-sponsored or school related activity.

31 (d) Each school district shall provide an alternative education program that is provided in a
32 setting other than a student's regular classroom; is located on or off of a regular school campus;
33 provides for the students who are assigned to the alternative education program to be separated
34 from students who are not assigned to the program; focuses on English language arts,
35 mathematics, science, history, and self-discipline; provides for students' educational and
36 behavioral needs; provides supervision and counseling; and, has as a program goal zero tolerance
37 for school violence. An alternative education program may provide for a student's transfer to: a
38 different campus, a school-community guidance center or a community-based alternative school.
39 A school district may provide an alternative education program jointly with one or more other
40 districts. Each school district shall cooperate with government agencies and community
41 organizations that provide services in the district to students placed in an alternative education
42 program. A student removed to an alternative education program is counted in computing the
43 average daily attendance of students in the district for the student's time in actual attendance in
44 the program.

45 A school district may not place a student in an unsupervised setting as a result of conduct for
46 which a student may be placed in an alternative education program.

47 (e) On request of a school district, the department of education shall provide to the district
48 information on developing an alternative education program that takes into consideration the
49 district's size, wealth, and existing facilities in determining the program best suited to the
50 district. The board of education shall establish an alternative education grant program to make
51 grant awards to school districts that have received approval for their alternative education plans.

52 A school district shall allocate to an alternative education program the same expenditure per
53 student attending the alternative education program, including federal, state, and local funds, that
54 would be allocated to the student's school if the student were attending the student's regularly
55 assigned education program, including a special education program.

56 (f) If a student placed in an alternative education program enrolls in another school district
57 before the expiration of the period of placement the superintendent of the district requiring the
58 placement shall provide to the district in which the student enrolls, at the same time other records
59 of the student are provided, a copy of the placement order. The district in which the student
60 enrolls may continue the alternative education program placement under the terms of the order or
61 may allow the student to attend regular classes without completing the period of placement.

62 (g) A program of educational and support services may be provided to a student and the student's
63 parents when an offense involves drugs or alcohol.