

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Baddour, Steven (SEN) (BY REQUEST)

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 Regarding Juvenile Violence.

PETITION OF:

NAME: _____ | DISTRICT/ADDRESS: _____

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT REGARDING JUVENILE VIOLENCE.

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

1 Be it enacted that any student who is of school age and is 10 years or older and under the age of
2 18, who commits onto another student, rape, indecent assault or any other acts of sexual abuse,
3 whether said acts occurred in a public, or private elementary or middle or secondary or
4 elementary or middle or secondary boarding school, which both the offender and the victim
5 attend shall face automatic expulsion from his/her public, or private elementary or middle or
6 secondary or elementary or middle or secondary boarding school.

7 Said offender need only be ten years or older.

8 Any school aged student who is 10 years or older and attempts to engage in acts of molestation
9 or molests or both onto another student shall be expelled under applicable laws or in the case of
10 attempted molestation shall face automatic suspension from any public or private day elementary
11 or middle or secondary school or any elementary or middle or secondary boarding school for a
12 period of 10 days for attempted violent molestation or other forms of violent abuse or bullying
13 that involves physical or verbal violence. In the event that head administrator of any elementary,

14 middle or secondary school hands down the proscribed suspension on a Friday, the suspension is
15 said to commence on Monday and conclude in ten academic days from the Monday, which the
16 suspension commences to be served.

17 The principal or the superintendent or headmaster of a public elementary, or middle or secondary
18 or the director or the president, in the case of a private elementary or middle or secondary day or
19 boarding school shall have both of the parents, and the victim of said rape, indecent assault or
20 other forms sexual abuse, and both of the parents of the perpetrator present in a parent
21 conference to the allegation of the aforementioned and schedule a hearing be held within 10 days
22 of the allegation of said rape, indecent assault or other sexual abuse. Present at said hearing on
23 the allegation of rape, indecent assault or other forms of sexual abuse, shall be the victim
24 alleging said acts, their parents and the attorney representing the above mentioned school and the
25 alleged offender, their parent and council of the parent of the alleged offenders choice.

26 The hearing in the case of a public or private elementary, middle or secondary day or boarding
27 school shall consist of the school's principal, who shall preside and hand down disciplinary
28 actions regarding molestation or attempted molestation or both, and two members of the town's
29 school district, which the student attends, which shall include the super intendent and the chair of
30 the school district's school committee and one other member of the school committee who shall
31 determine the guilt or innocence of the student who is alleged to have engaged in molestation or
32 attempted molestation or in the case of any private elementary, middle or secondary day or
33 boarding school, the school's head administrator who is either the principal or director or the
34 president of said private day or boarding school on the elementary or middle or secondary school
35 level and two of the above-mentioned chair person one other member of the school district's
36 school committee or two members of the school's board of trustees. The head administrator of

37 said private day or boarding elementary or middle or secondary school shall have the same
38 authorities as the public schools would otherwise have in cases of molestation or attempted
39 molestation and the two members of either the school committee or the board of trustees would
40 hold the same proscribed roles in determining the guilt or innocence of a student in an alleged
41 molestation or attempted molestation case.

42 In the case of an expulsion proceeding for alleged sexual abuse or rape, committed by a minor
43 student who is 10 years of age or older than the victim of such abuse, requisite state of mind
44 must also be taken into consideration and must be determined based on the offender's
45 Intelligence test, which determines retardation, defined as an I.Q of 75 or under, and the child's
46 capacity to appreciate right from wrong. Both a school psychologist and a psychiatrist who the
47 parent must bring the child to and that psychiatrist must be from a hospital setting from outside
48 of the school setting must perform this testing and evaluation.

49 Upon the finding that the perpetrator did in fact commit acts of rape, indecent assault or other
50 forms of sexual abuse, it shall be the duty of the principal or the superintendent or the head
51 master or the director or the president, in the case of an elementary or middle or secondary
52 boarding school, to report said incidents of rape or indecent assault or other forms of sexual
53 abuse to the Department of Social Services, who shall in turn file a petition, on behalf of the
54 victim of such rape, indecent assault or other incidents of sexual abuse in a juvenile court to have
55 the offender accompany their parent at all times, at the conclusion of the offenders' school day in
56 whichever new public or private day elementary or middle or secondary school he or she may
57 attend and or at the conclusion of any extra curricular activities, or sports games or practice, or
58 special religious instructions or any other instructions, or all of the above, which the offender
59 may be involved in. said alleged offender shall also upon referral of the incident to the

60 Department of Social Services, be turned over to the juvenile authorities who may in addition to
61 any expulsion and child must accompany parent proceedings bring about formal criminal action
62 alleging said rape, indecent assault or sexual abuse committed by a minor who is 10 years or
63 older. In the case where said minor who is alleged to have committed rape, indecent assault or
64 sexual abuse onto another minor child and the offender is 15 years or older, the juvenile court
65 shall have said offender treated as an adult in the adult criminal courts. The offender who has
66 over 15 and has been found guilty of rape, indecent assault or attempted molestation or any other
67 act committed onto another person shall be subject to imprisonment in the appropriate
68 correctional facilities for the amount of time as deemed under applicable state law, and the
69 imprisonment term shall be commensurate with the offence the offender has been found guilty of
70 in an adult criminal court.

71 No student alleged to have been an offender of rape, molestation, attempted molestation or any
72 violent acts of bullying or any violence in connection with said rape, attempted molestation,
73 indecent assault shall remain on school premises and must be suspended interim said hearing on
74 such allegation of rape, attempted molestation, indecent assault or acts of physical or verbal
75 violence or both, in the commission of said acts until said case has been decided. Said student
76 must than accompany parent while case is pending and said student must have his/her school
77 work with them at all times, as it shall also be the requirement of the child's parents to go to the
78 school and pick-up the child's school assignments.

79 In the case of an elementary or middle or secondary boarding school, the alleged offender's
80 parent must remain with the child in a place designated in the town of the boarding school, which
81 the alleged offender attends to facilitate the child's receiving of their school work pending the
82 outcome of said case of rape, attempted molestation, indecent assault or sexual acts that involve

83 verbal or emotional violence or both or in a case where an alleged offender 10 years or older has
84 engaged in violent physical or verbal abuse or both onto another student. It shall be the
85 responsibility of the boarding school to put both the parent and the alleged offender up, pending
86 said hearing on the above-mentioned matter. If at the conclusion of said hearing, the student age
87 10 or older has been found guilty on the school level, the parent of the alleged offender shall re-
88 imburse the school for all of the accommodations regarding the overnight and boarding costs of
89 both the alleged student offender and the parent of the alleged offender.

90 In the case of an elementary or middle or secondary boarding school, in the Commonwealth of
91 Massachusetts, including but not limited to that of special boarding schools that special
92 education for persons with disabilities, a head housemaster or head houseparent shall have on
93 hand a master key to the sleeping quarters of each student. The head housemaster or head
94 houseparent along with the director or president of said elementary boarding school shall
95 promulgate policies as to when students attending said elementary or secondary boarding school
96 may enter their sleeping quarters and that such policies must include a provision that said
97 attending students must enter their sleeping quarters during daylight hours in the accompaniment
98 of the head housemaster or any other housed staff, whom shall after the student has vacated
99 his/her sleeping quarters for the school day, shall by use of a walky talkie or cordless phone or a
100 cell phone contact the head housemaster to come with the master key to lock up the student's
101 sleeping quarters for the day until permitted back in to their sleeping quarters as designated by
102 school policies. The locks on each student's bedroom shall consist of a lock on the doorknob
103 itself, with on the other side of the door containing a latch in the inner doorknob that can be
104 easily turned and opened in the event of a fire. The parents of each student attending said
105 elementary or middle or secondary boarding school in the Commonwealth of Massachusetts shall

106 at the beginning of each academic year receive from the director or the president of said
107 elementary or secondary boarding school a copy of the schools' policies regarding student entry
108 and vacating of their sleeping quarters during school hours. The boarding school's administration
109 shall also have the duty of promulgating policies as to when the students can and cannot be in the
110 dorms or cottages and also must include in its policies provisions for inclement weather or when
111 a student is sick. In the case of a student being sick, the elementary or middle or secondary
112 boarding school shall have two rooms designated as the "infirm room," which can only be
113 entered by thoroughly CORIED or SORIED staff members, or the town's police department or
114 the fire department in the district where the boarding school is located or trained EMT'S or
115 ambulance crews to remove the "sick person to a hospital. A parent or family member 18 years
116 of age or older, as designated by the parent as to who will be caring for the child in the event of
117 the parent's death shall also have entry to the "designated infirmed" rooms in each dorm, which
118 shall be monitored with updated video surveillance cameras in the hallways outside and within
119 the areas of the "infirm rooms so designated in each dorm to monitor for appropriate or
120 inappropriate entrances and exits.

121 Upon receipt by the student's parents or in the case of a student being above the age of 18, a
122 copy of the school's policies on molestation and sleeping quarters rules, including but not limited
123 to the proscribed mandated expulsion or suspension code, each parent of a minor child attending
124 said boarding school or a student, 18 years of age or older, shall have signed in the presence of a
125 notary of the public a copy of the schools' policies regarding entrance and exiting the sleeping
126 quarters, which shall include but not be limited in the above-mentioned mandated expulsion and
127 suspension and molestation prevention training laws. And this copy of policies and procedures
128 shall also include the school's dress code, which shall ban both female and male students from

129 wearing tank tops or any other apparel that exposes the chest area of the body and in the case of
130 females, bans the wearing of mini skirts that are above the knees. Three repeated violations of
131 the proscribed dress code and in addition to, dress codes set forth by either a public or private
132 day or boarding elementary or middle or secondary school, shall result in a suspension period
133 lasting 3 days, with in the case of a suspension being handed down on Friday, shall be said to
134 commence on the Monday of the preceding weekend and shall be said to have been served upon
135 the third consecutive school day. Said proscribed signature requirements of the school's policies
136 and including but not limited to the statutory anti student molestation and molestation prevention
137 training, shall be completed within 10 days prior to each academic year.

138 In the case that a suspension or expulsion is handed down under this anti student molestation and
139 molestation prevention statute, the parents of the student so suspended or expelled shall bare the
140 full costs of transportation to and from wherever the student attends school on the elementary or
141 middle or secondary level in the Commonwealth of Massachusetts. This shall be accomplished
142 by either the parents coming to pick up the student him/herself or providing transportation to
143 either the student's home or wherever the parents are located at the time of issuance of
144 suspension or expulsion unless, criminal proceedings has commenced against the student alleged
145 to have either engage in acts of rape, indecent assault or sexual abuse. In the case where criminal
146 action is to be taken, said student who is the subject of said criminal action shall be detained in
147 the office of a security guard until the police has arrived to take the student into custody. At the
148 time the police has arrived to take the student into custody, the head administrator of the school,
149 which the student is attending at the time of said arrest, shall be notified by the security officer to
150 come down to the security office.

151 Upon the entry of any new student, no matter what their age or disabilities may be, the school,
152 whether a public or private or boarding school shall within the first month of enrollment hold
153 molestation prevention training to instruct their students as to the difference between molestation
154 and what is not considered molestation under applicable state laws. As part of these instructions,
155 a student shall also be informed of the right to confide in their teacher or trusting staff member
156 whether they have been molested by another student or staff member of the school or think the
157 same might be molesting them. These instructions shall include but not be limited to the
158 proscribed mandated expulsion of a student who engages in acts of rape, indecent assault or
159 sexual abuse onto another student. A notarized signature of the parent who is enrolling their son
160 or daughter for the first time, agreeing to molestation prevention training must be obtain, along
161 with a notarized, signed envelope shall be returned back to the principal of an elementary or
162 middle or secondary public or private day school and in the case of an elementary or middle or
163 secondary boarding school, the director or the president of said boarding school, 10 days prior to
164 the first day of school of the newly enrolled school. A newly enrolled student shall not be
165 officially enrolled into any school in the Commonwealth of Massachusetts until the school in
166 which the student is enrolled to attend has received a notarized signature and notarized envelope
167 with the parent's signature consenting to molestation prevention training. Age or inability to
168 provide the proscribed legal required signature allowing for their son or daughter attending any
169 elementary or middle or secondary school system in the Commonwealth of Massachusetts shall
170 be barred as a defense to any truancy proceedings brought by the school district which the child
171 5 years or older, and until the school aged minor child reaches their 16'th birthday for failing to
172 adhere to the proscribed enrollment requirements as deemed by applicable state truancy laws.
173 The enrollment requirements shall also include but not be limited to the requirements as set forth

174 in proscribed requirement of molestation prevention training. In the case where a parent
175 providing said signature for their son or daughter to fulfill the requirements, upon enrollment
176 into a molestation prevention instruction is either elderly or disabled, may bring along with
177 him/her to a notary of the public, an assisting person to aid in providing the requisite signature
178 agreeing to the proscribed molestation prevention instruction at the school their son or daughter
179 is to be enrolled in. For the purposes of this section, the term “parent” shall be defined as the
180 biological parents of the minor child, the foster parents of the minor child, the adoptive parents
181 of the minor child, whether in or outside of the biological family setting, which shall include but
182 not be limited to; grandparents as parents, aunts, uncle, cousins, brothers, sisters or any other
183 relative deemed the foster or adoptive parent of said minor child, or in the case of a divorce, the
184 court ordered custodial parent who has custody of the minor child during the first academic year,
185 which their son or daughter is enrolled. The same signature requirements shall also be legal and
186 binding to any new student 18 or older, except that parental signature shall not be required and
187 that said adult entering a new secondary school for the first time, must provide the proscribed
188 notarized signature agreeing to molestation prevention instructions.

189 In the case where a former student, later on in adulthood opens up for the first time to either the
190 current director or the president of said elementary or middle or secondary boarding school and
191 to a mental health professional or a rape crisis center and their family that they had been sexually
192 abused as a student by the offender who attended the same school as the victim, said disclosure
193 of such event shall be reported to the department of Social Services, as though the victim was a
194 minor at the time of first disclosure of said sexual abuse, which shall include but not be limited
195 to rape, or indecent assault or sexual abuse perpetrated by 1 or more of the former students who
196 were 10 years or older at the time of said sexual incident and who had attended said elementary

197 or middle or secondary boarding school, where both victim and offender had attended at the time
198 said acts of sexual abuse had occurred. Upon first disclosure by said former student of said
199 elementary or middle or secondary boarding school to the director or president who is currently
200 serving at the time of said first disclosure, the head administrator of said elementary or middle or
201 secondary boarding school shall refer the names, addresses, if can be obtained of the perpetrators
202 alleageably involved and the name and address of the victim alleging said sexual abuse to the
203 board of directors of said elementary or middle or secondary boarding school's alumni
204 association who shall in turn inform the offenders of such allegations of sexual abuse and to
205 schedule a hearing on the matter before the board of directors of said alumni association. Upon
206 finding by the board of directors of the elementary or middle or secondary school's alumni
207 association that said incidents of sexual abuse had been perpetrated onto the victim, the offender
208 of said acts shall be permanently banned as a member of said elementary or middle or secondary
209 boarding schools' alumni association. The same shall hold true for any honorary member and
210 who was a staff member in the dorm or cottage where said incident took place shall be
211 permanently banned as an honorary member of said elementary or middle or secondary schools'
212 alumni association. The same shall apply to any alumni association of an elementary or middle
213 or secondary public or private day schools. For the purposes of this section of this act, the
214 honorary member of the alumni association of the elementary or middle or secondary public or
215 private day school or an elementary or middle or secondary boarding school must have either
216 been in knowledge that said violent acts of rape, sexual abuse or any other kind of violent
217 bullying or abuse of another student, whether the violent acts were physical or verbally done to
218 produce a threatening manner of harm.

219 Failure of said head administer of any public or private or elementary or middle or secondary
220 boarding school to report such allegations of rape or indecent assault or other forms of sexual
221 abuse by a student 10 years of age or older onto another student, to the Department of Social
222 Services shall be fined no more than \$1,000.00 or imprisonment in a house of correction for a
223 mandatory two-year sentence or both. The same shall hold true for any psychologist, physician,
224 or psychiatrist, or teacher or anyone who has contact with minor children as part of either their
225 profession or employment, unless the person going to the above-mentioned professionals who
226 are in the mental health profession and who are mandated reporters of such acts is the offender,
227 who shall be afforded treatment for by said mental health professionals without penalty or threat
228 of a report being made, when the offender himself voluntarily admits guilt to a mental health
229 professional, and also does so to receive treatment for their actions on a voluntary basis.

230 A victim of rape or sexual abuse committed by a minor who is 10 year or older than the offender
231 and the offender is 10 years or older shall have a right to civil damages under tort feaser laws up
232 to no more than \$10,000.00, whether the incident was reported and opened up to at the time the
233 original incident occurred or becomes disclosed for the first time by the victim of said act later
234 on in adulthood. The statute of limitations for such actions brought under tort feaser liability for
235 rape or indecent assault or other forms of sexual abuse or other forms of violent acts committed
236 onto another minor shall be said to toe in 7 years from the date it was first disclosed either at the
237 time of the incident by the victim of such incident or when the victim first discloses that said
238 incident happened to them, later on in adulthood.

239 Any public, or private elementary or middle or secondary school or elementary or middle or
240 secondary boarding school and or their alumni association who fails to expel or permanently ban
241 any member of their alumni association or any honorary member for lack of supervision from

242 their alumni association may be held civilly liable for failure to take such action against said
243 offender in an amount not to exceed \$50,000.00. The statute of limitations for failure of a public
244 elementary or middle or secondary school or private elementary or middle or secondary school
245 or elementary or middle or secondary boarding school or its alumni association to take action
246 against the perpetrator of such sexual abuse shall be said to toe in 5 years from time of first
247 disclosure, whether the disclosure of sexual abuse by the victim of such discloses such incidents
248 of sexual abuse by another student at the time of the sexual abuse or the victim first discloses
249 said incident(s) later on in adulthood. In both cases, the aforementioned statute of limitations
250 shall be said to begin to toe from date of first disclosure to both a mental health professional and
251 the members of the victim's family.

252 For the purposes of this act, in the case of an elementary middle or secondary boarding school,
253 the head housemaster or head houseparent, in the dorm or cottage to which the sexual abuse by
254 another student who is 10 years or older onto another student, shall be presumed responsible as
255 though he/she is the parent of the student(s), who is under the age of 18 and is the alleged
256 offender. Said head housemaster or head houseparent shall by reason of his/her designated job
257 title, be held criminally liable and shall be charged as an accessory after the fact to rape and shall
258 face the penalties as outlined by applicable state laws.

259 Upon an action brought against a student, for rape, indecent assault or other forms of sexual
260 abuse, that has been committed, whether in a public, or private elementary or middle or
261 secondary school or an elementary or middle or secondary boarding school and in the case of an
262 elementary or middle or secondary boarding school against the head housemaster or head
263 houseparent as an accessory after the fact for rape of a minor who is the perpetrator of such acts,
264 whether brought to the attention of school authorities or law enforcement or any kind of civil

265 actions for said acts of rape, indecent assault or other forms of sexual abuse, the offender, nor his
266 friends nor his family, nor the staff member, nor his/her family or friends nor any officials of the
267 school where such offense occurred shall be barred from engaging in any kind of retaliation or
268 embarrassment or any other form of emotional abuse in connection with said rape, indecent
269 assault or other forms of sexual abuse. Whoever engages in any form of retaliation,
270 embarrassment or other forms of emotional abuse or humiliation in connection with said rape,
271 indecent assault or other forms of sexual abuse shall be fined no more than \$2,000.00 or
272 imprisonment in a house of correction for no less than 3 years or both and shall also face tort
273 liability in an amount not to exceed \$25,000.00. The same shall hold true for any member of the
274 board of directors of the alumni association to whom an action is brought before them against a
275 member or members of the schools' alumni association to have said member or members or
276 honorary members of said schools' alumni association to have said member or members or staff
277 honorary members permanently banned from said schools' alumni association in connection with
278 any incidents of rape, indecent assault or other forms of sexual abuse committed by said member
279 or members thereof, or in the case of lack of supervision, honorary staff members, who were
280 head housemaster or head houseparent in the dorm or cottage where said incidents of sexual
281 abuse occurred by any member or members of said schools' alumni association.

282 Acts of retaliation shall be defined to include but not be limited to; banning a rape or sexual
283 abuse victim from all of his/her rights and privileges to either his educational program or that as
284 a member of the schools' alumni association, when the allegation of rape, or sexual abuse is first
285 being presented to the aforementioned authorities or board of directors of said schools' alumni
286 association, whether the incident is first reported at the time said acts occurred or is first

287 disclosed by the victim later on in adulthood or once the incidents of said rape, indecent assault
288 or other forms of sexual abuse has been proven to be true and did in fact occur.

289 Records of such proceedings, including its finding by either the schools' authorities or that of the
290 board of directors of the schools' alumni association shall be kept in a confidential, locked file
291 and such records of said proceedings and findings shall be held in said locked confidential files
292 for a period no less 40 years from time of conclusion of said proceedings or until the school and
293 its alumni association has been dissolved and had been declared bankrupt under applicable
294 federal laws by a federal bankruptcy court.

295 A victim of rape, or indecent assault or other forms of sexual assault, in order to take legal action
296 against said student offender, including action taken on the school level shall have said to had
297 disclosed for the first time, with the aforementioned authorities and including but not limited to a
298 mental health professional and that of their family within the first 50 years since such abuse had
299 occurred. Upon disclosure to the aforementioned school authorities where the incidents of sexual
300 abuse, and a mental health professional and that of their family members, whom they can confide
301 in, said victim shall have up to 7 years to pursue any criminal or civil actions against the offender
302 and that of his/her parent, as at the original time of the offense, the offender was still a minor
303 under the age of 18 years and was 10 years or older. The statute of limitations for said criminal
304 and or civil actions resulting from said sexual abuse shall begin to toll upon first disclosure by
305 said victim to all of the aforementioned parties, including but not limited to the current
306 administrative authorities who are currently employed at the school where said incident is
307 alleged to take place, a mental health provider, treating the victim of said abuse and that of a
308 family member the victim of said acts has confided in.

309 For the purposes of this act, with regards to the aforementioned statute of limitations, any
310 disclosures made prior to the passage of this act shall begin to toll when this act is signed into
311 law by the governor of the Commonwealth of Massachusetts or becomes law by way of override
312 by both the house and senate of the legislature of the Commonwealth of Massachusetts,
313 otherwise known as the General Court.

314 Upon first disclosure of said sexual abuse by a victim thereof, he/she shall once disclosed by said
315 victim, the names of the offender or offenders, said victim shall have the right to know, in the
316 case, where the victim has first disclosed of the alleged acts to the school authorities of the
317 school which the incidents took place at, and in the case, where it has been disclosed later on in
318 adulthood by said victim and that both the victim and the offender or offenders had graduated or
319 left in good standing, the school where the offense took place, whether or not the offender or
320 offenders are members of the schools' alumni association whether or not the offender or
321 offenders of said acts, which happened 50 years prior to first disclosure, are still being invited to
322 participate in on-campus alumni activities.

323 Said victim of sexual abuse committed shall not use the aforementioned disclosed information as
324 a means of retaliation, harassment or committing a crime against the offender or acts of
325 discrimination, except for bringing such offender or offenders before the board of directors of the
326 schools' alumni association for the purposes of having them permanently banned from the
327 schools' alumni association, in connection with the sexual abuse itself. In the case of a boarding
328 elementary or middle or secondary boarding school, the same anti-retaliation or other forms of
329 criminal activity or discrimination against the honorary member, who was at the time of the
330 offense the head housemaster or head houseparent in the dorm or cottage where said incident of
331 sexual misconduct occurred.

332 Any victim who uses the above-mentioned information to engage in retaliatory or criminal acts
333 or acts of discrimination against both the former student offender and the former head
334 housemaster or head houseparent shall be fined no more than \$1,000.00 or imprisonment in a
335 house of correction for no more than 2 years or both said fine or imprisonment.

336 Any staff members, including but not limited to teacher's aids, house staff or school guidance
337 counselors or student advocates or case managers who either come into knowledge that a sexual
338 abuse might had been perpetrated onto another student attending the same school as the victim
339 and offender, by way of confidence or are witnesses thereof, shall have the legal obligation to
340 report said acts of sexual abuse or bullying or any other incidents that involve either physical or
341 verbal violence or both to the school's administration. Failure of said staff to report the above-
342 mentioned incidents to said school administrative officials shall be deemed automatically
343 terminated from their respected professions and shall also be held criminally liable under
344 applicable state and federal laws for obstruction of justice.

345 Any head administrator who fails to terminate the employment of any teacher, teacher's aid,
346 school guidance counselor, advocate or case manager shall face fines of no more than
347 \$10,000.00 and imprisonment for no less than 5 years in a state prison or both said fine or
348 imprisonment.

349 The failure of a school administrator to terminate an employee who does not report such acts of
350 sexual abuse, violent acts, whether physical or verbal or both onto another student under the age
351 of 18 shall also hold said school liable under tort liability in an amount not to exceed \$20,000.00.

352 Upon termination of employment of an employee of an elementary or middle or secondary
353 school for failure to report such acts of sexual abuse committed onto another student or violent

354 abuse onto another student, shall bar said employee from applying for a position of either
355 teacher, teacher's aid, school guidance counselor, student advocate or case manager in another
356 school or school district within the Commonwealth of Massachusetts.