

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Mr. Knapik

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 child safety and information sharing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mr. Brown	Norfolk, Bristol and Middlesex
Stephen L. DiNatale	3rd Worcester
Mr. Hedlund	Plymouth and Norfolk
Mr. Knapik	Second Hampden and Hampshire
Mr. Tarr	First Essex and Middlesex
Mr. Tisei	Middlesex and Essex
Todd M. Smola	1st Hampden

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00940 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO CHILD SAFETY AND INFORMATION SHARING.

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

3 SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after Section 172F
4 the following new section:-

5 Section 172G. Notwithstanding any provision of section one hundred seventy two of this
6 chapter, the district attorney or his designee shall have the authority to share with the
7 superintendent of any school district or his designee or headmaster of any school or his designee
8 criminal offender record information of adjudications of youth for a violent or sexual offense,
9 limited to specific firearm offenses and felonies involving the infliction or threat of serious
10 bodily harm pursuant to the definition of youthful offender set forth in Chapter 119 Section 52.
11 Upon receipt of notification by the District Attorney, the principal must provide written notice of
12 and convene within seven calendar days a meeting of the youth, the youth's caretakers, an
13 advocate of the family's choice, an interpreter where necessary, and relevant school personnel
14 who will meet to determine that the youth is in the proper school setting or to locate alternative

15 educational services for the youth. The student shall have the right to appeal the placement to the
16 superintendent. The student shall notify the superintendent in writing of his request for an appeal
17 no later than five calendar days following the meeting. The superintendent shall hold a hearing
18 with the student and the student's parent or guardian within three calendar days of the student's
19 request for an appeal. At the hearing, the student shall have the right to present oral and written
20 testimony on his behalf, and shall have the right to counsel. The superintendent shall have the
21 authority to overturn or alter the decision of the principal or headmaster. The superintendent
22 shall render a decision on the appeal within five calendar days of the hearing. Such decision shall
23 be the final decision of the city, town or regional school district with regard to the student's
24 placement. For the purposes of this section "alternative educational services" shall consist of a
25 full time, age appropriate education that is the equivalent of the instruction in a regular
26 classroom. Subject to the provisions of chapter 71 Section 37H or 37 H ½ and any other state or
27 federal law, this information shall not be used to suspend, expel or deny future enrollment to a
28 student. This information shall not be disseminated for any purpose to non-school officials other
29 than as set forth herein and shall in no way impinge on state and federal privacy or special
30 education protections guaranteed students. Any dissemination or misuse of this information for
31 purposes not described in this section shall be subject to a fine of \$1000.

32 SECTION 2. Section 37H ½ of chapter 71 of the 2004 Official Edition of the General Laws is
33 hereby amended by inserting in line 5 after the word "student," the following:-

34 The clerk's office shall notify the superintendent and principal of any city, town, or regional
35 school district in which the student is enrolled, or for the city or town in which the student
36 resides, of the existence and nature of the complaint.

37 SECTION 3. Section 37H ½ of chapter 71 of the 2004 Official Edition of the General Laws is
38 hereby amended by striking the second paragraph of part (1) and inserting the following:-
39 The student shall have the right to appeal the suspension to the superintendent and if the
40 principal or headmaster of a school in which the student is enrolled does not suspend the student,
41 said principal or headmaster shall notify the superintendent of his decision and the
42 superintendent shall have the right to suspend the student if the superintendent determines that
43 the student's continued presence in school would have a substantial detrimental effect on the
44 general welfare of the school. The student shall notify the superintendent in writing of his request
45 for an appeal no later than five calendar days following the effective date of the suspension and
46 the superintendent shall notify the student in writing of his intention to review the principle or
47 head master's decision no later than five calendar days following the principal or headmaster's
48 decision. The superintendent shall hold a hearing with the student and the student's parent or
49 guardian within three calendar days of the student's request for an appeal or superintendent's
50 notification of his decision to review the headmaster's decision. At the hearing, the student shall
51 have the right to present oral and written testimony on his behalf, and shall have the right to
52 counsel. The superintendent shall have the authority to overturn or alter the decision of the
53 principal or headmaster, including recommending an alternate educational program for the
54 student. The superintendent shall render a decision on the appeal within five calendar days of the
55 hearing. Such decision shall be the final decision of the city, town or regional school district with
56 regard to the suspension.

57 SECTION 4. Section 37H ½ of chapter 71 of the 2004 Official Edition of the General Laws is
58 hereby amended by inserting in line 32 after the word “delinquency,” the following:-
59 The clerk's office shall notify the superintendent and principal of any city, town, or regional

60 school district in which the student is enrolled, or for the city or town in which the student
61 resides, of the existence and nature of the conviction, adjudication or admission.

62 SECTION 5. Section 37H ½ of chapter 71 of the 2004 Official Edition of the General Laws is
63 hereby amended by striking the second paragraph of part (2) and inserting the following:-

64 The student shall have the right to appeal the suspension to the superintendent and if the
65 principal or headmaster of a school in which the student is enrolled does not expel the student,
66 said principal or headmaster shall notify the superintendent of his decision and the
67 superintendent shall have the right to expel the student if the superintendent determines that the
68 student's continued presence in school would have a substantial detrimental effect on the general
69 welfare of the school. The student shall notify the superintendent in writing of his request for an
70 appeal no later than five calendar days following the effective date of the expulsion and the
71 superintendent shall notify the student in writing of his intention to review the principle or head
72 master's decision no later than five calendar days following the principal or headmaster's
73 decision. The superintendent shall hold a hearing with the student and the student's parent or
74 guardian within three calendar days of the student's request for an appeal or superintendent's
75 notification of his decision to review the headmaster's decision. At the hearing, the student shall
76 have the right to present oral and written testimony on his behalf, and shall have the right to
77 counsel. The superintendent shall have the authority to overturn or alter the decision of the
78 principal or headmaster, including recommending an alternate educational program for the
79 student. The superintendent shall render a decision on the appeal within five calendar days of the
80 hearing. Such decision shall be the final decision of the city, town or regional school district with
81 regard to the expulsion.

82 SECTION 6. Section 37L of chapter 71 of the General Laws is hereby amended by inserting at
83 the end the following new paragraph:-
84 Notwithstanding any provision of sections 168 to 175, inclusive of chapter 6 of the General
85 Laws, or any other general or special law to the contrary, the superintendent of any public school
86 district or private school within the commonwealth from which a student is transferred or
87 transfers, shall within 2 days school days of the request of the superintendent of any school
88 district or headmaster of any school within the commonwealth or any out-of state school district
89 to which a student is transferred or transfers, provide the following: a complete school record of
90 the student, including but not limited to any documents or information related to the student's
91 school disciplinary history, school suspensions, expulsion or any incidents reports in which the
92 student was charged with any violation of school disciplinary policies or criminal acts, any
93 violation of criminal laws or any information obtained pursuant to section 172G of chapter 6 of
94 the general laws. If the superintendent of any school district or headmaster of any school receives
95 criminal information of the type described in section 172G of chapter 6 the superintendent or
96 headmaster may convene a meeting pursuant to the provisions of section 172G of chapter 6. Any
97 dissemination or misuse of this information for purposes not described in this section shall be
98 subject to a fine of \$1000.

99 SECTION 7. Chapter 71 of the General Laws is hereby amended by inserting after Section 89
100 the following new section:-
101 Section 90. Local law enforcement officials may share any information with a superintendent or
102 his designee when a local law enforcement official is aware of specific information regarding a
103 student or students that would lead a reasonable person to believe there is a substantial risk of
104 serious physical injury to a student, teacher or other employee of the school. The disclosure of

105 such information in no way imposes an obligation on the school to suspend, expel or request the
106 arrest of the youth in question.

107 All such comments must be entered into a log maintained by the school, which will note the
108 name of the reporting officer, the name of the youth(s), and the date and time of the report, and
109 the details of the consequences of the use of the information. A parent or guardian of a student
110 that is named in this log shall be able to view the log entry for his child and update this entry
111 with any new information, relevant to the specific information entered in the log. This log shall
112 be confidential with viewing access limited to the student, his parent, his advocate, the principal
113 and the superintendent. Any other dissemination of the information in this log shall be
114 punishable by a fine of \$1000. Nothing in this paragraph shall bar dissemination of information
115 to an individual at risk as described in the first paragraph of this section.

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