

HOUSE No. 426

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

HOUSE No. 426

By Mr. Honan of Boston, a petition (accompanied by bill, House, No. 426) of Kevin G. Honan relative to employing appropriate discipline management techniques in schools. Education.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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
2 amended by inserting after Sections 37H and 37H1/2 thereof the following new section:—

3 Section 37H3/4.

4 (a) A teacher may send a student to the principal’s office to maintain effective discipline
5 in the classroom. The principal shall respond by employing appropriate discipline management
6 techniques consistent with the student code of conduct adopted under Section 37H, which shall
7 include conditions that authorize or require a principal or other appropriate administrator to
8 transfer a student to an alternative education program as provided by subsection (d). A teacher
9 may remove from class a student who has been documented by the teacher to repeatedly interfere
10 with the teacher’s ability to communicate effectively with the students in the class or with the
11 ability of the student’s classmates to learn; or whose behavior the teachers determines is so
12 unruly, disruptive, or abusive that it seriously interferes with the teacher’s ability to
13 communicate effectively with the students in the class or with the ability of the student’s
14 classmates to learn. If a teacher removes a student from class the principal may place the student
15 into in-school suspension or into an alternative education program. The terms of the removal
16 may prohibit the student from attending or participating in school-sponsored or school-related
17 activity. The principal may not return the student to that teacher’s class without the teacher’s
18 consent unless the committee established under subsection (b) determines that such placement is
19 the best or only alternative available.

20 (b) Each school shall establish a three-member committee to determine placement of a
21 student when a teacher refuses the return of a student to the teacher’s class and make

22 recommendations to the district regarding re-admission of expelled students. Members shall be
23 appointed as follows: (1) the campus faculty shall choose two teachers to serve as members and
24 one teacher to serve as an alternate member; and, (2) the principal shall choose one member from
25 the professional staff of a campus. The teacher refusing to re-admit the student may not serve on
26 the committee.

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

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

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

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

48 (e) On request of a school district, the department of education shall provide to the
49 district information on developing an alternative education program that takes into consideration
50 the district's size, wealth, and existing facilities in determining the program best suited to the
51 district. The board of education shall establish an alternative education grant program to make
52 grant awards to school districts that have received approval for their alternative education plans.
53 A school district shall allocate to an alternative education program the same expenditure per
54 student attending the alternative education program, including federal, state, and local funds, that
55 would be allocated to the student's school if the student were attending the student's regularly
56 assigned education program, including a special education program.

57 (f) If a student placed in an alternative education program enrolls in another school
58 district before the expiration of the period of placement the superintendent of the district

59 requiring the placement shall provide to the district in which the student enrolls, at the same time
60 other records of the student are provided, a copy of the placement order. The district in which the
61 student enrolls may continue the alternative education program placement under the terms of the
62 order or may allow the student to attend regular classes without completing the period of
63 placement.

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