

HOUSE No. 382

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act regarding school expulsion..

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

1 SECTION 1. Section 37H of Chapter 71 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by inserting at the end thereof the following:-

3 In the event that the superintendent’s decision is to suspend or expel a student, that
4 student is entitled to a de novo expedited judicial review with the juvenile court. The student
5 shall notify the superintendent, in writing, of his request for an expedited judicial review no later
6 than five calendar days following the suspension or expulsion. The student shall file his request
7 for the expedited judicial review with the juvenile court within ten calendar days following the
8 suspension or expulsion on a form approved by the Chief Administrative Justice for the Juvenile
9 Court Department.

10 The juvenile court judge may suspend or expel said student if it is found that the student
11 has been convicted of a felony or adjudicated delinquent of having committed a felony or upon
12 an admission in court of guilt with respect to such a felony or felony delinquency; and in
13 addition if it is found that the student’s continued presence in school would have a substantial
14 detrimental effect on the general welfare of the school. The findings of the juvenile court shall

15 be made by clear and convincing evidence. The juvenile court shall conduct the de novo review
16 of the student's suspension or expulsion on an expedited basis. The determination of the juvenile
17 court shall be final with no further right of appeal or review.