

HOUSE No. 431

The Commonwealth of Massachusetts

In the Year Two Thousand 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
2 amended by 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.(b) Each school shall establish a three-member
19 committee to determine placement of a student when a teacher refuses the return of a student to
20 the teacher's class and make recommendations to the district regarding re-admission of expelled
21 students. Members shall be appointed as follows: (1) the campus faculty shall choose two
22 teachers to serve as members and one teacher to serve as an alternate member; and, (2) the
23 principal shall choose one member from the professional staff of a campus. The teacher refusing
24 to re-admit the student may not serve on the committee.(c) A student shall be removed from
25 class and placed in an alternative education program if the student engages in conduct that
26 contains the elements of the offense of retaliation against any school employee.The terms of a
27 placement under this section must prohibit the student from attending or participating in a
28 school-sponsored or school related activity.(d) Each school district shall provide an alternative
29 education program that is provided in a setting other than a student's regular classroom; is
30 located on or off of a regular school campus; provides for the students who are assigned to the
31 alternative education program to be separated from students who are not assigned to the
32 program; focuses on English language arts, mathematics, science, history, and self-discipline;
33 provides for students' educational and behavioral needs; provides supervision and counseling;
34 and, has as a program goal zero tolerance for school violence. An alternative education program
35 may provide for a student's transfer to: a different campus, a school-community guidance center
36 or a community-based alternative school. A school district may provide an alternative education
37 program jointly with one or more other districts. Each school district shall cooperate with

38 government agencies and community organizations that provide services in the district to
39 students placed in an alternative education program. A student removed to an alternative
40 education program is counted in computing the average daily attendance of students in the
41 district for the student's time in actual attendance in the program. A school district may not place
42 a student in an unsupervised setting as a result of conduct for which a student may be placed in
43 an alternative education program.(e) On request of a school district, the department of education
44 shall provide to the district information on developing an alternative education program that
45 takes into consideration the district's size, wealth, and existing facilities in determining the
46 program best suited to the district. The board of education shall establish an alternative education
47 grant program to make grant awards to school districts that have received approval for their
48 alternative education plans. A school district shall allocate to an alternative education program
49 the same expenditure per student attending the alternative education program, including federal,
50 state, and local funds, that would be allocated to the student's school if the student were
51 attending the student's regularly assigned education program, including a special education
52 program.(f) If a student placed in an alternative education program enrolls in another school
53 district before the expiration of the period of placement the superintendent of the district
54 requiring the placement shall provide to the district in which the student enrolls, at the same time
55 other records of the student are provided, a copy of the placement order. The district in which the
56 student enrolls may continue the alternative education program placement under the terms of the
57 order or may allow the student to attend regular classes without completing the period of
58 placement.(g) A program of educational and support services may be provided to a student and
59 the student's parents when an offense involves drugs or alcohol.