

**SENATE . . . . . No. 1729**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to child safety and information sharing..

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

1           1. Chapter 6 of the General Laws is hereby amended by inserting after Section 172F the  
2 following new section:- Section 172G. Notwithstanding any provision of section one hundred  
3 seventy two of this chapter, the district attorney or his designee shall have the authority to share  
4 with the superintendent of any school district or his designee or headmaster of any school or his  
5 designee criminal offender record information of adjudications of youth for a violent or sexual  
6 offense, limited to specific firearm offenses and felonies involving the infliction or threat of  
7 serious bodily harm pursuant to the definition of youthful offender set forth in Chapter 119  
8 Section 52. Upon receipt of notification by the District Attorney, the principal must provide  
9 written notice of and convene within seven calendar days a meeting of the youth, the youth's  
10 caretakers, an advocate of the family's choice, an interpreter where necessary, and relevant  
11 school personnel who will meet to determine that the youth is in the proper school setting or to  
12 locate alternative educational services for the youth. The student shall have the right to appeal  
13 the placement to the superintendent. The student shall notify the superintendent in writing of his  
14 request for an appeal no later than five calendar days following the meeting. The superintendent

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

30 SECTION 2. Section 37H ½ of chapter 71 of the 2004 Official Edition of the General  
31 Laws is hereby amended by inserting in line 5 after the word "student," the following:-The  
32 clerk's office shall notify the superintendent and principal of any city, town, or regional school  
33 district in which the student is enrolled, or for the city or town in which the student resides, of  
34 the existence and nature of the complaint.

35 SECTION 3. Section 37H ½ of chapter 71 of the 2004 Official Edition of the General  
36 Laws is hereby amended by striking the second paragraph of part (1) and inserting the  
37 following:- The student shall have the right to appeal the suspension to the superintendent and if

38 the principal or headmaster of a school in which the student is enrolled does not suspend the  
39 student, said principal or headmaster shall notify the superintendent of his decision and the  
40 superintendent shall have the right to suspend the student if the superintendent determines that  
41 the student's continued presence in school would have a substantial detrimental effect on the  
42 general welfare of the school. The student shall notify the superintendent in writing of his request  
43 for an appeal no later than five calendar days following the effective date of the suspension and  
44 the superintendent shall notify the student in writing of his intention to review the principle or  
45 head master's decision no later than five calendar days following the principal or headmaster's  
46 decision. The superintendent shall hold a hearing with the student and the student's parent or  
47 guardian within three calendar days of the student's request for an appeal or superintendent's  
48 notification of his decision to review the headmaster's decision. At the hearing, the student shall  
49 have the right to present oral and written testimony on his behalf, and shall have the right to  
50 counsel. The superintendent shall have the authority to overturn or alter the decision of the  
51 principal or headmaster, including recommending an alternate educational program for the  
52 student. The superintendent shall render a decision on the appeal within five calendar days of the  
53 hearing. Such decision shall be the final decision of the city, town or regional school district with  
54 regard to the suspension.

55 SECTION 4. Section 37H ½ of chapter 71 of the 2004 Official Edition of the General  
56 Laws is hereby amended by inserting in line 32 after the word “delinquency,” the following:-The  
57 clerk's office shall notify the superintendent and principal of any city, town, or regional school  
58 district in which the student is enrolled, or for the city or town in which the student resides, of  
59 the existence and nature of the conviction, adjudication or admission.

60 SECTION 5. Section 37H ½ of chapter 71 of the 2004 Official Edition of the General  
61 Laws is hereby amended by striking the second paragraph of part (2) and inserting the  
62 following:- The student shall have the right to appeal the suspension to the superintendent and if  
63 the principal or headmaster of a school in which the student is enrolled does not expel the  
64 student, said principal or headmaster shall notify the superintendent of his decision and the  
65 superintendent shall have the right to expel the student if the superintendent determines that the  
66 student's continued presence in school would have a substantial detrimental effect on the general  
67 welfare of the school. The student shall notify the superintendent in writing of his request for an  
68 appeal no later than five calendar days following the effective date of the expulsion and the  
69 superintendent shall notify the student in writing of his intention to review the principle or head  
70 master's decision no later than five calendar days following the principal or headmaster's  
71 decision. The superintendent shall hold a hearing with the student and the student's parent or  
72 guardian within three calendar days of the student's request for an appeal or superintendent's  
73 notification of his decision to review the headmaster's decision. At the hearing, the student shall  
74 have the right to present oral and written testimony on his behalf, and shall have the right to  
75 counsel. The superintendent shall have the authority to overturn or alter the decision of the  
76 principal or headmaster, including recommending an alternate educational program for the  
77 student. The superintendent shall render a decision on the appeal within five calendar days of the  
78 hearing. Such decision shall be the final decision of the city, town or regional school district with  
79 regard to the expulsion.

80 SECTION 6. Section 37L of chapter 71 of the General Laws is hereby amended by  
81 inserting at the end the following new paragraph:- Notwithstanding any provision of sections 168  
82 to 175, inclusive of chapter 6 of the General Laws, or any other general or special law to the

83 contrary, the superintendent of any public school district or private school within the  
84 commonwealth from which a student is transferred or transfers, shall within 2 days school days  
85 of the request of the superintendent of any school district or headmaster of any school within the  
86 commonwealth or any out-of state school district to which a student is transferred or transfers,  
87 provide the following: a complete school record of the student, including but not limited to any  
88 documents or information related to the student's school disciplinary history, school suspensions,  
89 expulsion or any incidents reports in which the student was charged with any violation of school  
90 disciplinary policies or criminal acts, any violation of criminal laws or any information obtained  
91 pursuant to section 172G of chapter 6 of the general laws. If the superintendent of any school  
92 district or headmaster of any school receives criminal information of the type described in  
93 section 172G of chapter 6 the superintendent or headmaster may convene a meeting pursuant to  
94 the provisions of section 172G of chapter 6. Any dissemination or misuse of this information for  
95 purposes not described in this section shall be subject to a fine of \$1000.

96 SECTION 7. Chapter 71 of the General Laws is hereby amended by inserting after  
97 Section 89 the following new section:- Section 90. Local law enforcement officials may share  
98 any information with a superintendent or his designee when a local law enforcement official is  
99 aware of specific information regarding a student or students that would lead a reasonable person  
100 to believe there is a substantial risk of serious physical injury to a student, teacher or other  
101 employee of the school. The disclosure of such information in no way imposes an obligation on  
102 the school to suspend, expel or request the arrest of the youth in question.

103 All such comments must be entered into a log maintained by the school, which will note  
104 the name of the reporting officer, the name of the youth(s), and the date and time of the report,  
105 and the details of the consequences of the use of the information. A parent or guardian of a

106 student that is named in this log shall be able to view the log entry for his child and update this  
107 entry with any new information, relevant to the specific information entered in the log. This log  
108 shall be confidential with viewing access limited to the student, his parent, his advocate, the  
109 principal and the superintendent. Any other dissemination of the information in this log shall be  
110 punishable by a fine of \$1000. Nothing in this paragraph shall bar dissemination of information  
111 to an individual at risk as described in the first paragraph of this section.