

**HOUSE . . . . . No. 426**

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**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 adoption of the accompanying bill:

An Act relative to safe schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	

**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.