

HOUSE No. 2270

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio, (BY REQUEST)

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 juvenile violence.

PETITION OF:

NAME:

Brian J. Coppola

DISTRICT/ADDRESS:

400 Merrimack Street, Methuen, MA 01844

HOUSE No. 2270

By Ms. DiZoglio of Methuen (by request), a petition (accompanied by bill, House, No. 2270) of Brian J. Coppola relative to juvenile sexual abuse and violence. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1264 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to juvenile violence.

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 Sexual Abuse Committed By Students Onto Other Students In Public,
2 Elementary, Middle and Secondary Grade School or Private Day or Residential Elementary,
3 Middle or Secondary School That Are Educating Students Grades Kindergarten-12 Mandated
4 Expulsion Who Are Ages 12-Years-Old Up Until Graduation From High School and Who’s
5 Victim Is Two Or More Years Younger Than The Offender As Defined Under M.G.L Chapter
6 265 Aggravated Rape, M.G.L Chapter 265, or M.G.L 266 or M.G.L 269 Section 10: Alternative
7 Educational Arrangements Made to Expelled Students Under This Act, Whether In A Special
8 Educational Program Or Not And Individualized Behavioral Modification Educational Plans,
9 (IBMEPS): Interim Court Orders Admonishing An Alleged Sexual Offender To Stay Away
10 From Their Victims As Conditions of Bail or Release To The Custody Of Their Parent(s) Or
11 Legal Guardian(s) Shall Constitute Indefinite Suspension From The School, Where the Alleged

12 Offender And The Victim Attended At The Time of The Aforementioned Sexual Abuse Alleged
13 To Have Occurred, Pending Adjudication Of Delinquency or Guilt When M.G.L Chapter 265
14 Charges Had Also Been Brought Against The Offender Prior To Disciplinary Action On The
15 School Level

16 Any student who is:

17 A. 12 years or older, up till he/she graduates from high school and who has not yet to
18 graduate from high school, who commits onto another student, two or more years younger than
19 him/herself:

20 B. rape, or statutory rape, or molestation, or indecent assault or any other acts of
21 sexual abuse, including, but, not limited to sodomy onto another minor as prescribed under
22 M.G.L 265, all inclusive, to include anal, or oral sexual or unnatural sexual intercourse onto
23 another student who is under the age of 16, or sexual assault of a minor under the age of 14, or
24 aggravated rape of a minor, or forcible rape of a minor or uses a lure or trickery that coerces or
25 uses force onto another student who is two or more years younger than the offender to get the
26 other younger student into a private area, including, but, not limited to a bedroom, bathroom,
27 corridor or any other unsupervised area of a public, or private or a residential school that offers
28 educational services to school-aged children in grades Kindergarten-12 or special needs school-
29 aged children in grades Kindergarten-22-years-old, whether said acts of sexual abuse by the
30 offender occurred in a public, or private elementary, or middle or secondary day school or
31 elementary, or middle or secondary residential school, which both

32 C. The offender and the victim attend, said perpetrator, upon finding of guilt by the
33 school's disciplinary board, by preponderance of the evidence shall face automatic expulsion

34 from his/her public or private elementary, or middle or secondary day school, or elementary, or
35 middle or secondary residential school. Said child who has been expelled for sexual abuse, or
36 molestation, or rape or any of the above mentioned sexual acts so outlined in section 1 of this act
37 shall not be permitted to be enrolled into a residential school, so educating children on the grade
38 levels, beginning with Kindergarten up till grade 12, or special needs school-aged children in
39 grades Kindergarten-22-years-old, within or without the Commonwealth of Massachusetts,
40 except for a juvenile detention facility, or jail or a psychiatric care facility when ordered by:

41 D. A juvenile court or a trial court that has jurisdiction over said matters so
42 prescribed in M.G.L Chapter 265. At the time of expulsion, said school system must provide
43 said expelled offender alternative ways of receiving their education, whether they are home
44 schooled, or a tutor is provided by the said school system or the said school system makes their
45 educational materials available over the Internet, through distance learning. In the case of
46 disabled or special needs students, the school system must provide reasonable accommodations
47 to the alternative educational materials as outlined in a written individualized educational plan,
48 as deemed under applicable state and federal laws. The same mandated expulsion for sexual
49 abuse shall also apply to special needs students pursuant to an Individualized Behavioral
50 Modification Educational Plan, (IBMEP), to which both the special needs student and his or her
51 victim shall have a right to attend the meeting of developing of such Individualized Behavioral
52 Modification Educational Plan, (IBMEP). This Individualized Behavioral Modification
53 Educational Plan (IBMEP) shall be said to be developed at the new educational facility, which
54 the special needs school-aged child, who is 12-years or older and who has been expelled from
55 the child's previous educational facility for a sexual offense has been accepted to, according to
56 the new educational facility's admission requirements and their policies and procedures. The

57 new educational facility, which a previously expelled child attends, whether, or not it is a regular
58 public school, a private school, or an educational facility specializing in special education must
59 be a day school, to which said previously expelled sexual offender so attends shall render said
60 school-aged child 12-years of age or older, whether or not they are disabled, and shall render said
61 expelled school-aged child to be a “day” student, even in the case, where said specialized
62 educational facility is a residential special educational facility, said special needs child so
63 attending the new facility, upon expulsion from their previous educational facility for a sexual
64 offense, shall also be deemed a “day” student. The purpose of a school system so providing said
65 expelled student alternative education material shall be for the sole purpose of obtaining their
66 high school diploma or GED or another form of certificate that signifies successful completion of
67 the prescribed course of studies. The same mandated expulsion requirements shall also apply to
68 any school-aged child, 12-years of age or older, who engages in aggravated rape as defined
69 under applicable state laws, under MGL Chapter 265, or MGL Chapter 266, or MGL Chapter
70 269 Section 10. This provision shall also include the hereinafter aggravated rape of a staff
71 member, by a student, who is age 12 or older.

72 E. Any student who both attends an educational facility that educates school-aged
73 children in Grades Kindergarten-12 or in the case of special needs school-aged children in grades
74 Kindergarten-22-years-old and is 12-years of age or older who has been brought before a
75 juvenile court or an adult trial court and is ordered by said juvenile court or trial court so having
76 jurisdiction over the criminal matter of an M.G.L. Chapter 4265 sexual offense against a minor
77 or a minor who is two or more years younger than the offender so charged who is ordered by
78 said court to stay away from their victim shall automatically be suspended interim from his/her
79 educational facility pending adjudication of delinquency in a juvenile court or found guilty in an

80 adult criminal trial court. Said student shall be barred from attending said educational facility
81 until such case has been adjudicated as a finding of delinquency or guilt and that said offender
82 shall remain in the custody of his/her parent(s) or legal guardian(s) as part of a condition of
83 release from The Department of Youth Services or as a condition of Bail in an adult criminal
84 proceeding prior to any school disciplinary action. The same aforementioned provisions of
85 section 1 shall also apply to special needs students within the commonwealth of Massachusetts,
86 and who are school-aged children in grades Kindergarten-22-years-old, whether or not said
87 special needs school-aged child attends a public or private day or residential school so offering
88 educational services to school-aged children in grades Kindergarten-12 or in the case of special
89 needs school-aged children in grades Kindergarten-22-years-old.

90 F. School disciplinary action in the case where a juvenile has been charged with a
91 sexual offense up on a minor who is two (2) or more years younger than the defendant so
92 charged, shall occur in conjunction with any criminal court proceeding, once said minor has been
93 charged and arrested for the aforementioned M.G.L Chapter 265 sexual offenses against another
94 minor of whom said minor victim is two (2) or more years younger than the offending student,
95 12-years of age or older. In the case where criminal proceedings had been commenced against
96 said minor defendant, whether in the juvenile court system or the adult criminal courts, an
97 educational facility may defer said disciplinary action, pending the outcome of the
98 aforementioned M.G.L Chapter 265 court proceedings. This shall be construed to mean that said
99 school disciplinary action may be deferred until the courts had made its findings on said criminal
100 matters. This shall also apply to the charge of aggravated rape hereinafter mentioned, (IBID),
101 M.G.L Chapter 265, M.G.L. Chapter 266 and M.G.L Chapter 269 Section 10, hereunder
102 mentioned.

103 G. For the purposes of this act, “In conjunction” with any criminal matter shall be
104 defined to mean that the school’s disciplinary board may meet to decide the case on its own
105 merits at the time of pending criminal proceedings in said juvenile or adult trial court or may
106 defer said disciplinary action on said matter until said juvenile or adult criminal trial court has
107 made its findings. Provided that In the case where there are conditions for release of said minor
108 so charged in a sexual offense case, and the conditions imposed for said release on bail or to the
109 custody of the defendant minor’s parent(s) or legal guardian(s) for the defendant to stay away
110 from his/her victim, said school offering educational instructions to school-aged children in
111 grades Kindergarten-12 or in the case of special needs students in grades Kindergarten-22-years-
112 old, said school disciplinary board must defer such cases of disciplinary action until a criminal
113 disposition of adjudication of delinquency or finding of guilt has been determined. The
114 aforementioned requirements shall also apply to private day or residential schools, including,
115 but, not limited to educational facilities that educate school-aged students in grades
116 Kindergarten-12 or in the case of special needs schools, school-aged children in grades
117 Kindergarten-22-years-old.

118 Section 1B Lure or Trickery to Commit a Sexual Act onto Another Student Defined
119 Under Section 1, Leading A Younger Student To Believe That They Need Medical Treatment, or
120 a Medical Examination Or Are In Danger of Death or Bodily Injury: A Rescue League Not
121 Being Run By Appropriate Staff, School Nurses, School Doctors or Local Fire Departments to
122 Gain Access to the Genital Areas, Whether Or Not The Younger Student is Fully Clothed or
123 Unclothed, Or for the Sole Purpose of A Student, 12 Years or Older to Access the younger
124 student’s Private Parts of the Human Body for Exploratory Purposes, Or Exploratory Sex or
125 Sodomy. Also Deemed Eligible for Mandated Expulsion: Students Enrolled In Educational

126 Facilities, Whether The Educational Facility Educational Facility That Educates School-Aged
127 Children In Grades Kindergarten-12 Is A Public, or Private Day Or Residential School; Students
128 So Enrolled; Presumption Of Not Holding The Qualifications of Authority As Head Of The
129 School's Physical Education Program, School Nurse, School Physician, Fire Department
130 Personnel: Supervisory Provisions for Mild, Moderately or Severely Developmentally Disabled
131 Students Who Are of Physical Age of 12-years-old, But, Developmentally Under the Age of 12-
132 Years-Old and wording to placed in 18 point bold faced fonts onto two cover pages of student's
133 IEP: Mild, or Moderately, or Severely Developmentally Disabled Student To Face Same
134 Expulsion Requirement for a Sexual Offense Committed onto another student who is two or
135 more years younger than themselves or Another Staff Member, Without Consent

136 Any student who is 12-years of age or older and who has not graduated from high school
137 who uses a lure or trickery to coerce or force a student two or more years younger than
138 him/herself, or another staff member who is not a willing party to commit a sexual act when said
139 luring or trickery is used as a reuse that involves:

140 A. A medical examination, including, but, not limited to when one minor discusses
141 with another minor, 15 years of age or older that they had been a rape victim, whether or not said
142 rape or sexual abuse had occurred on or off campus, and whether or not said rape or sexual abuse
143 being discussed with said minor student, 15 years of age or older had taken place whether or not
144 such occurred while school was in sessions or out of session on recess or both, or

145 B. Leading a student who is 2 or more years younger than the offender(s), or the
146 offender(s), leading an unwilling staff member of the school to believe that said student is
147 involved in some form of rescue club or any other school organizations so claimed to be run by

148 any other staff who has the power of authority to do so, such as the head of physical education,
149 or the school nurse, or the school physician, or fire department personnel to render first aid, or
150 that such student or unconsenting staff member requires first aid to save his/her life. Any student
151 who engages in such acts as defined in section 1 of the Juvenile Violence Act shall also be
152 deemed eligible to face mandatory expulsion from his or her grade school and shall not be
153 permitted to attend a residential grade school that teaches school-aged children in grades
154 Kindergarten-12. Said student enrolled in a school, whether or not the school that educates
155 school-aged children in grades Kindergarten-12 is a public, or private day or residential school,
156 shall be presumed not to have the appropriate qualifications to be 1a The head of the school's
157 physical education program, the school nurse, the school physician, or fire department personnel
158 and shall be presumed not to hold any of these job titles as so stated. Any student 12 years of age
159 up until he/she has completed the prescribed course of study who leads anyone to believe that a
160 houseparent or housemaster of a residential school offering educational services to school-aged
161 children in grades Kindergarten-12 or in the case of special needs school-aged children in grades
162 Kindergarten-22-years-old, is running a rescue club or a first aid training class to the
163 aforementioned students, for the purpose of luring another student or staff member into fondling
164 or touching of the genital parts of a male or female as part of another student two or more years
165 younger than him/herself or that of another staff member, for the purpose of this act shall also be
166 construed to be trickery for the sole purpose of sexually deviant behavior and that said student so
167 engaging in said trickery that results in sexually deviant behavior shall also be subjected to the
168 same mandated expulsion requirements.

169 C. This provision shall also apply to school-aged special needs children in grades
170 Kindergarten-12 or in grades Kindergarten-22-years-old, provided that said special needs student

171 is below the intellectual quotient of 70 percent of students his or his age. In such cases, said
172 special needs students shall be closely supervised by all staff members involved in their
173 education, including, but, not limited to house staff, or houseparents or housemasters, in the case
174 of a residential school that offers educational services to school-aged children in grades
175 Kindergarten-12 or in the case of special needs school-aged children, in grades Kindergarten-22-
176 years-old when said special needs student is of the physical age of 12-years-old, but, functions as
177 either mild, or moderate, or severely developmentally disabled in age or has a psychiatric or
178 emotional disability. This supervisory provision shall apply to any public, or private or
179 residential school, within the Commonwealth of Massachusetts that educates school-aged
180 children in grades Kindergarten-12 or in the case of special needs students, grades Kindergarten-
181 22-years-old, when it is evident that a behavioral problem has been detected by said educational
182 facility staff once said developmentally disabled, or psychiatrically disabled or emotionally
183 disabled student has reached the physical age of 12-years or older and that said behavioral
184 problem is detected by said staff when said special needs student has started to engage in
185 unacceptable behavior that is contradictory with school, or public policy or is considered to be
186 otherwise socially unacceptable behavior. A report of unacceptable social behavior to a staff
187 member either by another student or staff member, to another staff member, shall trigger an alert
188 to the head administrator of said educational facility that said special needs student is, "In Need
189 of Behavioral Supervision."

190 The unauthorized use of mouth to mouth resuscitation by a student, who is of the physical
191 age of 12-years-old, but, functions below the physical age of 12-years-old, shall also be deemed
192 eligible for close supervision. Unauthorized use of mouth to mouth resuscitation shall be defined
193 to mean, that a. the person receiving such can speak, and is truly able to breathe on their own, or

194 is not truly choking on any objects, or is unconsenting to such practice, or that such measures of
195 its use is not being properly supervised by said school nurse or is not being practiced in a
196 physical education class via use of an anatomical manikin doll that replicates a human being for
197 the purposes of first aid training or for the proper use of mouth to mouth resuscitation.

198 The same definition of unauthorized mouth to mouth resuscitation shall also apply to
199 those with psychiatric or emotionally disabled students, as shall also apply to any other student
200 who does not otherwise have a disability. Any student who is 12-years-old and engages in the
201 unauthorized use of mouth-to mouth resuscitation or any other unauthorized first aid, onto
202 another student or staff member who is truly not in need of such or is unconsenting to the act of
203 the offending student, said offending student shall be expelled from his/her educational facility
204 for a period not to exceed one (1) academic semester, regardless of disability, and in the case of
205 disability, shall be placed under an Individualized Behavioral Modification Educational Plan
206 (IBMEP), upon return from expulsion and that said unconsenting person to the unauthorized use
207 of mouth-to-mouth resuscitation or any other first aid technique that is contrary to school policy
208 or is not done with proper supervision, said unconsenting person to the aforementioned activities
209 shall have the right to be present at the development meeting of the offending disabled student's
210 Individualized Behavioral Modification Educational Plan (IBMEP), whether or not the
211 unconsenting individual is another student or a staff member, who is on or who is not on the
212 special needs school-aged child's Individualized Educational Plan, (IEP) team.

213 D. said special needs school-aged child who is 12-years of age or older, but,
214 functions under his/her physical age, shall have written on their first Individualized Educational
215 Plan, once they had reached their 12'th birthday the following words on cover pages that
216 follows: "special needs student under supervision due to the type of developmental disability, or

217 a psychiatric disability or an emotional disability that has been diagnosed, and has a strong
218 likelihood that said symptoms of the aforementioned disabling conditions without supervision
219 and appropriate behavioral modifications would result in said special needs student, so having
220 intellectual or behavioral deficits has the potential of causing harm to him/herself or others and
221 that he/she shall be under the same mandated expulsion rule for a sexual offense that he/she
222 commits onto another student or staff member or the same ten (10) day academic suspension for
223 any violence committed in conjunction with any bullying or hazing or any other forms of violent
224 acts so committed onto another staff or student that produces bodily injury. Said cover pages of
225 the aforementioned Individualized Education Plan (IEP) shall also contain the following
226 statement: “In the event, “any disclosure of sexual abuse that comes to surface years later and is
227 found to had occurred to said victim of said special needs student, upon said victim, after first
228 disclosure, after said student (s) had left after one (1) academic year or has graduated via
229 receiving their high school diploma or some other form of certification that signifies successful
230 completion from his/her educational facility, via 2/3 of the aforementioned psychiatrist and
231 psychologist to whom the sexual abuse victim is seeing, that, A. Such first disclosure once
232 concurred to had been a case of sexual abuse by said student via 2/3 of the psychiatrists and
233 psychologists to whom said victim first discloses said incidents of such nature after attendance at
234 the same school as the alleged perpetrator or graduation from the same school as the alleged
235 perpetrator, that said first disclosure shall be deemed to be latent discoverable emotional injury
236 to the victim and that said alleged perpetrator shall face the same dismissal proceedings by said
237 educational facility’s alumni association’s board of directors or school committee in the case
238 where the educational facility, where the offense has alleged to had taken place has no

239 established 501c (3) non-profit alumni association so affiliated with said educational facility to
240 which said alleged acts of sexual abuse had occurred.

241 E. Such wording shall be typed in 18 point bold faced font by his/her case manager,
242 and must be signed by the case manager, the head school administrator and his/her parent(s) or
243 legal guardian(s).

244 F. said student shall also be advised through his/her parent(s) or legal guardian(s), on
245 the appropriate developmental age level, that if their son, or daughter, or ward, commits onto
246 another student or staff member a sexual offense or an act of violence in conjunction with any
247 bullying or hazing or any other acts of violence towards other students or staff member, said son,
248 or daughter or ward must also be subjected to an Individualized Behavioral Modification
249 Educational Plan (IBMEP) or in the case of mandated expulsion for a sexual offense, is
250 permanently expelled from said educational facility and will be placed under an Individualized
251 Behavioral Modification Educational Plan (IBMEP) in his/her new facility where he/she
252 ultimately attends post expulsion. The cover pages of the IEP of said developmentally disabled,
253 or psychiatrically disabled or emotionally disabled student's IEP shall also state in the manner
254 prescribed below that the victim of the offense to which they had committed shall have the right
255 to be present at the aforementioned Individualized Behavioral Modification Educational Plan,
256 (IBMEP) meeting, whether or not said victim is part of the student's IEP team.

257 G. The aforementioned cover pages of the disabled student's Individualized
258 Educational Plan, (IEP), once he/she has reached their 12'th birthday must indicate the name of
259 the educational facility, the words, "Individualized Educational Plan" of the effected
260 developmentally, or psychiatrically, or emotionally disabled student, their name, date of birth

261 and the words, "Disciplinary Advisory Pages," in 18 point bold fonts, followed by the author of
262 the cover pages and the date of the effected student's 12'th birthday. Upon signing at the end of
263 the cover pages of the effected student's Individualized Educational Plan, (IEP), upon their 12'th
264 birthday, the words shall follow below the signature lines, "Shall remain on the student's file
265 until said student has reached their 52nd birthday, which would be said to entail the name of the
266 effected student, followed by the date that said student will reach their 52nd birthday, surrounded
267 by three red asterisks and below shall follow these words, "COVER PAGES NOT TO BE
268 REDACTED BY ANY STAFF, STUDENT, ADMINISTRATOR OR PARENT OR LEGAL
269 GUARDIAN," also surrounded by red asterisks, and that the words, "COVER PAGES NOT TO
270 BE REDACTED BY ANY STAFF, STUDENT, ADMINISTRATOR OR PARENT OR LEGAL
271 GUARDIAN," must be placed in all uppercase lettering. This IEP and cover pages shall be said
272 to transfer from grade school to grade school as said developmentally disabled, or psychiatrically
273 disabled or emotionally disabled student either graduates from the first school he attended when
274 he/she was 12-years-old where the plan and cover pages of disciplinary advisory was signed, or
275 the student has been expelled and accepted into a new educational facility, post expulsion.

276 Section 1C People So Having Power To Instruct Students In Grades Kindergarten-12 In
277 First Aid, or Rescue Techniques or Who Run Volunteer Student Based First Aid or Rescue Clubs
278 Or Do Such AS extracurricular Activity: Job Title; Head of The Educational Facility's Physical
279 Educational Program, Or School Nurse or Local Fire Department Where The Educational
280 Facility Who Instructs School-Aged Children In Grades Kindergarten-12: Requisite Signature
281 Requirements Of Anti-Sexual abuse, Anti-Bullying and Anti-Hazing Prior To Joining In Such
282 Course of Study, Voluntary Rescue or First Aid Club As An Extracurricular Activity; Same
283 Requirements Shall Also Apply To Private or Residential Schools Instructing School-Aged

284 Children In Grades Kindergarten-12: School District's Duties To Meet Mandated 185 School
285 Day Requirements Prescribed By the Massachusetts Department Of Education To Ensure That
286 The Academic Year Ends No Later Than the Third Friday of June and No Earlier Than two days
287 after the Labor Day holiday, Saturday Session, or Reduction of One vacation Day, Or Extended
288 School Days, or Application of Waiver of The 185 School Day From the Massachusetts
289 Department of Education Citing Student And Staff Safety AS Paramount To The 185 Academic
290 Day Requirement or All of the Following Actions: Presumption Of Residential School And
291 Ability To Meet The 185 School Day Requirement And End The Academic Year No Later Than
292 The Third Friday of June And Start The New Academic Year No Earlier Than Two Days After
293 the Labor Day Holiday Of Each Year: Summer School Attendance Eligibility And Summer
294 School Attendance Exclusionary Provision

295 The staff who shall have the power to instruct school-aged children in activities of first
296 aid or rescue techniques or who organize student based volunteer first aid or rescue missions
297 shall meet the following job title requirements:

298 A. The head of the educational facility's physical education program, as stated in
299 writing by the aforementioned school administration, as attestation to the job title, or

300 B. The school nurse of the educational facility, as stated in writing by the
301 aforementioned school administration, as attestation to the job title or

302 C. The fire department's fire department so located in the district to where the
303 educational facility so educating school-aged children in grades Kindergarten-12, as stated in
304 writing by the aforementioned school administration, as attestation to the job title.

305 D. It shall be the duty of the chief of the fire department so located in the school
306 district where said educational facility educating school-aged children in grades Kindergarten-12
307 to furnish verification in writing to the head administrator of the educational facility, fire
308 department personnel who are so qualified to work with children and teenagers enrolled in an
309 educational facility that instructs school-aged children in grades Kindergarten-12 in issues
310 regarding first aid or rescuing injured people. This written verification shall be made by the chief
311 of fire of the fire department where the aforementioned educational facility is located prior to the
312 start of each academic year, which shall be construed to start no earlier than Two (2) days after
313 the Labor Day holiday of each year and to end no later than the third Friday of June of each year.
314 The same aforementioned section 1C provisions shall also apply to public or private day or
315 residential schools that educate special needs school-aged children in grades Kindergarten-22-
316 years-old.

317 In the event that there are more than five snow days, it shall be the duty of the school
318 district so running said educational facilities that teach school-aged children in grades
319 Kindergarten-12 or special needs school-aged children in grades Kindergarten-22-years-old to;
320 1a Have Saturday School Sessions in public or private day schools in proportion to the number
321 of snow days over the allotted five days, or 1b Take one vacation day during the academic year
322 in proportion to the snow days missed over the allotted five days, or 1c Have an extended school
323 day to ensure that the 185 required school days as so prescribed under the regulations of the
324 Massachusetts Department of Education regulations had been met. 1d Apply to the
325 Massachusetts Department of Education for a waiver of the 185 required school days citing
326 student and staff safety under this act as paramount to the 185 school day requirement or 1e Take
327 all of the prescribed actions so mentioned in this act to ensure that the prescribed 185 day

328 requirements mandated under applicable federal and state law and regulations had been met so
329 that the end of each academic year ends on the third Friday of each June and starts no earlier than
330 Two (2) days after the Labor Day holiday of each academic year. Subsection 1a-1e shall not
331 apply to residential schools offering education to school-aged children in grades Kindergarten-12
332 or residential special educational facilities offering special educational services to school-aged
333 students from infancy-22-years of age, as it shall be presumed that said residential schools can
334 finish the academic year no later than the third Friday of June and start the new academic year no
335 earlier than two (2) days after the Labor Day holiday of each academic year.

336 Summer school sessions in educational facilities that educate school-aged children in
337 grades Kindergarten-12 shall only be held for students who have more than the allotted number
338 of unexcused absences allotted by each school district, or private day or residential schools that
339 educate school-aged children in grades Kindergarten-12, or students who are of high school
340 grades, nine-twelve (9-12) who wish to voluntarily take more courses to get extra credits.
341 Students so entering summer school shall 1. Not have been involved in any incidents that
342 mandate expulsion, whether for one (1) calendar year for brandishing a gun or dangerous
343 weapon on school premises, or 2. Have not been permanently expelled for having committed a
344 sexual offense as mentioned in this section or 3 had not been suspended for 10 academic days for
345 a section 3 offense as prescribed under this Juvenile Violence Act. 4.

346 Sentences 1-4 shall be deemed under this Juvenile Violence Act as the Summer School
347 Attendance Exclusionary provision. The aforementioned summer school exclusionary provision
348 shall also apply to school-aged children in grades Kindergarten-12 to private day or residential
349 school so offering the aforementioned educational instructions to school-aged children in grades

350 Kindergarten-12. The same shall also apply to special needs school-aged children in grades
351 Kindergarten-22-years-old.

352 Sub Section 1C Anti-Sexual Abuse, Anti-Hazing and Anti-Violence In Conjunction With
353 Bullying Pledges: Signature Requirements: Students In Schools That Educate School-Aged
354 Children In grades Kindergarten-12: Age Requirements For Parental or Legal Guardian
355 Signature: Age Requirements For Both Students And Parental or Legal Guardian Signature: Age
356 Requirement Of Just The Signature of The Student To The Anti-Sexual Abuse, Anti-Hazing and
357 Anti-Violence In Conjunction With Bullying Pledges Prior To participation in Any School Based
358 Organizations, or Extracurricular Activities Or Both: Signature Requirements Of The Anti-
359 Sexual Abuse, Anti-Hazing and Anti-Violence In Conjunction With Bullying Repeated At The
360 Beginning of Each Academic Year

361 Prior to any student participating in any school based organizations, or extracurricular
362 activity or both, the requisite signatures to Anti-Sexual Abuse, and Anti-Hazing and Anti-
363 Violence Pledges in Conjunction with bullying shall be sought by the school administrator of a
364 public, or private day or residential school offering educational programs to school-aged children
365 in grades Kindergarten-12 at the said age requirements as follows:

366 A. Any school-aged student aged 5-14-years of age must have the signature of their
367 parent(s) or legal guardian(s) prior to participating in any school based organization, or
368 extracurricular activities or both, said school based organization and extracurricular activities.

369 B. Any school-aged student 14-16-years of age must sign the anti-sexual abuse,
370 anti-hazing and anti-violence in conjunction with bullying pledge, him/herself and underneath
371 said student's signature to the aforementioned pledges, the signatures of the student's parent(s)

372 or legal guardian(s) prior to their participation in school based organizations, or extracurricular
373 activities or both.

374 C. Any school-aged student 17-years of age or older, until they complete high school
375 must affix his/her signature to the anti-sexual abuse, anti-hazing and anti-violence in conjunction
376 with bullying pledge in the presence of the head school administrator or his/her designee prior to
377 participation in any school based organization, extracurricular activities or both. In the case of a
378 disabled person who has a physical disability and who is aged 14-years of age or older, the
379 pledges may be signed with the letter X in the presence of the head school administrator or
380 his/her designee, followed by the signature of his/her parent(s) or legal guardian(s) in the case
381 where said student with said physical disability that prevents him/her from writing their
382 signature, said student's parent(s) or legal guardian(s) must also sign said anti-sexual abuse, anti-
383 hazing and anti-violence in conjunction with bullying pledge in the presence of the head
384 administrator of the school or his/her designee.

385 D. Any school-aged student who is 18-years of age or older and who has been
386 appointed a guardian by a court due to a disability must acquire said required signature of the
387 anti-sexual abuse, anti-hazing and anti-violence in conjunction with bullying by his/her court
388 appointed guardian and that said guardian must furnish to the head administrator or his/her
389 designee of the school, a copy of documentation of court appointed guardianship at the time of
390 the signing of the aforementioned pledges prior to their participation in any school based
391 organization, extracurricular activities or both. Copies of the aforementioned signed anti-sexual
392 abuse, anti-hazing and anti-violence in conjunction with bullying shall be distributed to the
393 student(s), their parent(s) or legal guardian(s) and copies of the signed pledges by said students,
394 or parent(s) or legal guardian(s) must be kept on file in the office of the head school

395 administrator and also placed on each student's records, acknowledging that said anti-sexual
396 abuse, anti-hazing and anti-violence in conjunction with bullying pledges had been signed.

397 E. At the start of each academic year, the same aforementioned signature
398 requirements of the anti-sexual abuse, anti-hazing and anti-violence in conjunction with bullying
399 shall be repeated as prescribed in this subsection.

400 Section 1D Exploratory Sexual Games: Mutually Agreed To, Age Of the oldest Child:
401 Coercion of Power, Not To Be Deemed Exploratory Sexual Behavior: Children In Grade Schools
402 That Instruct School-Aged Children In Grades Kindergarten-12: Duty Of Staff, whether Such
403 School or Educational Institution Instructing School-Aged Children In Grades Kindergarten-12
404 To Report To The parents Of The Students And The Department Of Children And Families
405 Incidents Of Exploratory Sexual Behavior, Whether Or Not The Educational Institution Is A
406 Public, Or Private Day Or Residential School Instructing School-Aged Children In Grades
407 Kindergarten-12: Penalties To Be Applied To Students Engaging In Exploratory Sexual
408 Conduct, Ages 5-8-Years-Old And 8-12-Years-Old: Provisions Herein Shall Also Apply To
409 Private Day or Residential Schools Instructing Special Needs School-Aged Children In Grades
410 Kindergarten-12 Or Kindergarten-22-Years-Old

411 Exploratory sexual behavior shall be deemed to have occurred between two (2) minors
412 who are two or more years apart in age when the following criteria have been met:

413 A. The older of the two minor children are of ages 5-12-years-old and

414 B. The exploratory sexual activity is of mutual nature and as part of mutual game
415 play and it has been determined that the oldest of the minors herein involved, by said school
416 disciplinary board members that such sexual activities was of consenting nature and as part of

417 mutual game play, absent any evidence of any force or coercion by the older of the two
418 participants or.

419 C. Did not in any way use power of coercion, or power of authority or both to
420 engage in said sexual activities between the two minors involved or.

421 D. Two minors who are age 13 and above who are in a dating relationship and that
422 said age spread of the dating relationship is no more than three years apart in age and that both
423 minors involved had obtained parental consent prior to any dating relationship until the younger
424 of the two minors has reached the age of 16-years-old. Absent of parental consent to any kind of
425 dating relationship between two teenage students who are no more than three years apart in age
426 shall be automatically deemed to be unconsensual sexual activity on the part of the oldest minor
427 involved in said dating relationship.

428 Upon the learning of the exploratory sexual behavior hereinafter occurring between two
429 minors who attend a school, or educational institution that instructs school-aged children in
430 Grades Kindergarten-12 or are special needs students who are school-aged children in grades
431 Kindergarten-12 or in grades Kindergarten-the age of twenty-two (22)-years-old, whether or not
432 the school so having the appropriate licensure to instruct the aforementioned school-aged
433 children in the grades herein mentioned, it shall be the duty of the staff of said educational
434 facility to report said incidents of exploratory sexual conduct once in knowledge of to:

435 A. The Department of Children and Families and

436 B. The parent(s) or legal guardian(s) of the minor children so involved in said
437 exploratory sex. This mandated reporting requirement shall apply to all staff members, including,
438 but, not limited to teachers, principals, assistant principals, superintendents, cafeteria workers,

439 school janitors, guidance counselors, school psychologist, school psychiatrist, and in the case of
440 residential schools that offer instructions to school-aged children, whether or not they are an
441 academy or a special educational school or a preparatory school, who educate school-aged
442 children in grades Kindergarten-12, or in the case of special needs children, grades Kindergarten-
443 twenty-two (22) years of age shall also include housemasters, or houseparents or both. Failure of
444 the aforementioned staff to report exploratory or sexual abuse to the aforementioned entities is
445 guilty of obstruction of justice and such failure to report the aforementioned shall be punishable
446 by imprisonment in state prison for no less than three (3) years, but, no more than five (5) years,
447 or a fine in the amount not to exceed ten thousand dollars, (\$10,000.00) or both, said
448 imprisonment and fine.

449 Upon the knowledge of the parent(s) or the legal guardian(s) of said school-aged children
450 aged 5-12-years-old who has engaged in incidents of exploratory sexual activity; it shall be
451 presumed the responsibility of the parent(s) or the legal guardian(s) of the children so involved
452 to:

453 A. Correct the behavior of each of their children, via instructing the children so
454 involved in the aforementioned exploratory sexual activities in their family values and that such
455 activity is wrong and:

456 B. To inform their children so involved in exploratory sexual activities that the
457 aforementioned activities is to cease from re-occurrence, in proportion to both, the physical and
458 developmental age of the children so involved or:

459 C. Should said exploratory sexual activity continue on a habitual basis, it shall be the
460 presumed responsibility of the child's parent(s) or legal guardian(s), of the aforementioned

461 school-aged children ages 5-12-years-old to seek professional counseling outside of the school
462 and to have drafted an Individualized Behavioral Modification Educational Plan, (IBMEP), in
463 proportion to the child's physical and developmental age. Said Individualized Behavioral
464 Modification Educational Plan, (IBMEP) shall be reviewed from time to time throughout the
465 academic year, by the child's parent(s), or their legal guardian(s), the educational facility and the
466 aforementioned professional so treating the child for the aforementioned habitual exploratory
467 sexual behavior.

468 It shall also be incumbent on the aforementioned educational institution, whether, public,
469 or private or residential school so educating school-aged children in grades Kindergarten-12 or in
470 the case of special needs school-aged children in grades Kindergarten-22-year-old to hand down
471 disciplinary action in proportion to the child's physical and developmental age in the manner so
472 prescribed:

473 1. Children engaging in exploratory sexual activities and who are of the age of 5-8-
474 years-old shall receive a reprimand from the principal, or the president or the director of any
475 public, or private or residential educational facility so instructing school-aged children in grades
476 Kindergarten-12 or in the case of special needs students, in grades Kindergarten-22-years-old.
477 Said reprimand shall be made orally and followed up in writing and said written copies of said
478 reprimand shall be given to the parent(s) or legal guardian(s) of said school-aged children.

479 2. School-aged children ages 8-10-years-old who engage in exploratory sexual
480 activity at an educational facility that instructs school-aged children in grades Kindergarten-12 or
481 in the case of special needs students in grades Kindergarten-22-years-old shall face suspension
482 from said educational facility for a period not to exceed five(5) calendar days.

483 3. School-aged children, ages 10-12-years of age, in an educational setting that
484 instructs students in grades Kindergarten-12 or in the case of special needs students, grades
485 Kindergarten-22-years-old and who engage in exploratory sexual activity shall be suspended for
486 a period not to exceed more than ten(10) calendar days.

487 In the case where a five (5) or ten (10) day suspension is handed down, said children so
488 involved in exploratory sexual activity shall be accompanied by either the parent(s) or the legal
489 guardian(s) of the aforementioned minors so involved in said exploratory sexual activities at the
490 hearing on the matter, before the school’s disciplinary board as so composed under section 4 of
491 this act. In cases of exploratory sexual activity, it shall be the determination of the board as to
492 whether or not the oldest of the students involved had 1a Came up with the idea of engaging in
493 exploratory sexual activity. 1b Whether or not the aforementioned exploratory sexual activity so
494 engaged in was part of a mutual game or that said minors so involved had mutually agreed to
495 such and 1c Whether or not the oldest of the minor children so involved in exploratory sexual
496 activity had used onto their younger counter-part, coercion, physical power, emotional or
497 psychological power or power of authority or all of the aforementioned powers so prescribed. In
498 the case where said disciplinary board of said school had found that the older of the students
499 involved in exploratory sexual activities, had used physical coercion or power of authority, or all
500 of the aforementioned prescribed powers, it shall be the older of the minor children so involved
501 in exploratory sexual activity who shall face said disciplinary action in proportion to the
502 prescribed ages in section 1 D.

503 For the purposes of this act, exploratory sexual activity in conjunction with dating
504 teenagers who are of the age of 13-years-old and who do have the parental permission to engage
505 in such dating relationships and of whom the oldest of the two dating teenagers are no more than

506 three years apart in age, no sexual activity, whether or not it is of exploratory or of a dating
507 nature shall be automatically banned on all school premises, or at school sponsored activities or
508 both, said school premises or at school sponsored activities, whether or not said school sponsored
509 activities takes place on or off school premises.

510 Section 2 Mandated Expulsions for One Calendar Year for Bringing a Gun or Dangerous
511 Weapon into A Grade School and Exceptions in Cases of Self Defense

512 Any student who is:

513 A. 8 years of age or older and is in an educational facility that educates school aged
514 children from grades Kindergarten to grade 12 who brings a

515 B. gun or a dangerous weapon into any

516 C. Grade school within the Commonwealth of Massachusetts shall face automatic
517 expulsion from said grade school for a period not to exceed one (1) full calendar year.

518 D. In cases of Self Defense where imminent threat to bodily injury or death or said
519 student is about to be bodily injured or death is imminent, he or she shall be exempted from the
520 expulsion requirement, unless it has been determined by a court of law that both students who
521 have dangerous weapons at the time of combat had engaged in neutral combat and that said
522 student in question of raising self defense had not taken the proper duty to retreat from combat.

523 Section 3 Mandated Ten Academic Day Suspensions for Violence In Conjunction With
524 Any Bullying and Hazing Incident That Causes or Threatens to Cause Bodily Injury to Another
525 Student. Students above the Age of Seven-Years-Old: Inclusive of Simple Assault and Simple
526 Assault and Battery: Special Educational Facilities Educating Special Needs School-Aged

527 Children In Grades Kindergarten-22-Years-Old Also Included In Section 3 Mandated Ten
528 Academic Day Suspensions for Any Violent Act Onto Another Student or Staff Member,
529 Whether or Not The Violence Is in Conjunction With Any Bullying or Hazing Incident or Both

530 Any student attending a public or private day or residential school and who is over the
531 age of seven (7)-years-old who commits onto another student attending the same said public, or
532 private or residential school that educates students in grades Kindergarten-12 who:

533 A. In conjunction with any bullying or hazing incident, commits onto another student
534 or staff member an M.G.L Chapter 265 offense in which

535 B. Bodily harm is intended or

536 C. Bodily harm is threatened by verbal threat, or assault or any other bodily gesture,
537 which, suggests infliction of bodily injury onto another student or staff member or

538 D. Commits an M.G.L. Chapter 265 offense not inclusive of a sexual offense, but,
539 constitutes a crime against a person, to which a victim is seriously bodily injured or is threatened
540 with bodily injury shall face mandated suspension from said public, or private or residential
541 school where education is sought for school-aged children in grades Kindergarten-12 or in the
542 case of special needs school-aged children, grades Kindergarten-22-years-old, for a period of ten
543 (10) academic days unless such bodily injury was caused during the course of defending one's
544 self, after said student had followed the duties of retreat from combat. In the case of neutral
545 combat, both students, in which both parties are bodily injured or had threatened each other with
546 bodily injury both parties shall face the same mandatory ten (10) academic day suspension
547 period. This provision shall also include simple assault or simple assault and battery. Be it
548 further enacted that the same provisions herein shall also apply to special needs school-aged

549 children in grades Kindergarten-22-years-old who attend any public or private day or residential
550 educational facility so offering instruction to special needs school-aged children in grades
551 Kindergarten-22-years-old. The same disciplinary provisions shall also apply to any violent acts
552 that inflicts or threatens to inflict bodily injury that does not involve any bullying or hazing or
553 both, or said offending student engages in violent conduct or threatens violence that threatens to
554 inflict bodily injury onto any school employee, including, but, not limited to teachers, or school
555 counselors, or janitorial staff, or food service staff, or in the case of a residential educational
556 facility, whether an academy, or a prep school or one that specializes in special education of
557 school-aged children with disabilities, any house staff, whether paid or volunteers, or kitchen, or
558 cleaning staff. The aforementioned provisions shall also include school administrators, whether
559 or not they are the administrative staff of a public or private day or residential educational
560 facility that educates school-aged children in grades Kindergarten-12 or special needs school-
561 aged children in grades Kindergarten-22-years-old.

562 E. Any violent act that either threatens or causes serious bodily injury to another
563 student or staff member alone without any said hazing or bullying incident.

564 Section 3A Developmentally Disabled or Psychiatrically Disabled Special Needs School-
565 Aged Children-Disciplinary Action for Violence In Conjunction With Any Bullying or Hazing
566 Or Any Other Violent Acts Committed Onto Other Students or Staff That Inflicts or Threatens
567 To Inflict serious Bodily Injury: Mandated Ten Academic Day Suspension and Individualized
568 Behavioral Modification Educational Plan, (IBMEP): Developmentally Disabled Or
569 Psychiatrically Disabled Special Needs School-Aged Children Who Are 12-Years-Old and
570 Who's Victim is two (2) or more Younger Than Their Victim-Disciplinary Action for Sexual

571 Abuse: Mandated Permanent Expulsion from Said Educational and Individualized Behavioral
572 Modification Educational Plans (IBMEP)

573 Any special needs school-aged child in grades Kindergarten-12 or in grades
574 Kindergarten-22-years-old so attending said educational institution so instructing the
575 aforementioned school-aged child who:

576 A. Engages in acts of violence that causes to inflict physical bodily injury onto
577 another school-aged child or a member of the staff in conjunction with any bullying or hazing
578 incident or who engages in violent acts alone, which has the affect of inflicting bodily injury
579 onto another or

580 B. Threatens any acts of violence in conjunction with any bullying or hazing incident
581 or that stands alone from any bullying or hazing incident onto another student or staff member
582 shall

583 C. Be suspended from his or her educational facility for a mandatory period of ten
584 (10) academic days in the same manner as other non-developmentally or non-psychiatrically
585 disabled student would otherwise face and shall be done so by the school's disciplinary board, as
586 set forth in section 4 of this act.

587 D. Said developmentally or psychiatrically disabled special needs school-aged child
588 who is demonstrated to have no control of their violent rages, due to their disability or any other
589 medical condition, upon return to the aforementioned educational facility following the
590 aforementioned mandated ten (10) academic day suspension shall also be placed under an
591 Individualized Behavioral Modification Education Plan, (IBMEP), to be developed by their team
592 that had developed the special needs school-aged child's Individualized Educational Plan (IEP)

593 and included on the developmental team of their Individualized Behavioral Modification
594 Education Plan, (IBMEP) shall include a private practicing psychologist and a private practicing
595 psychiatrist who has no working affiliation with the child's educational facility to which he she
596 so attends and in addition to a private practicing psychologist and private practicing psychiatrist,
597 a human services worker from the Massachusetts Department of Mental Health or a human
598 service worker who specializes in developmental disabilities from the appropriate state agency
599 that provides services for the developmentally disabled.

600 E. In the case where a special needs school-aged child is developmentally or
601 psychiatrically disabled has committed onto another student who is two or more years in physical
602 age younger than the developmentally disabled or psychiatrically disabled student who is at least
603 12-years-old or older onto another student or staff member of said educational facility a sexual
604 offense as outlined in M.G.L Chapter 265, all inclusive shall face the aforementioned mandated
605 expulsion as outlined in section 1, above and said special needs school-aged student who has
606 committed the aforementioned M.G.L Chapter 265 sexual offenses onto another student two or
607 more years younger in age or onto another staff member and be removed to another educational
608 facility that is duly licensed with the appropriate credentials under applicable laws to educate
609 school-aged children in grades Kindergarten-12 or in the case of a special needs school-aged
610 children, grades Kindergarten-22-years-old, or home schooled or involuntarily committed to an
611 institution so specializing in the care and treatment of behaviorally or emotionally challenged
612 children. Upon said placement into another facility other than home schooling, the same
613 development of an Individualized Behavioral Modification Educational Plan, (IBMEP) shall
614 consist of an Individualized Educational Plan (IEP) team from said new educational facility or
615 institution and in addition to the IEP team, the aforementioned private practicing psychologist

616 and psychiatrist who has no working affiliation with the new educational facility which the child
617 may attend upon acceptance into the new facility by their admissions requirements of the
618 aforementioned educational facility or institution's policies and procedures. Also included on the
619 Individualized Behavioral Modification Educational Plan (IBMEP) shall be the aforementioned
620 human services professional from the Massachusetts Department of Mental Health or the agency
621 that deals with persons with developmental disabilities. In all aspects of the development of an
622 Individualized Behavioral Modification Education Plan (IBMEP) any victim(s) of a violent or
623 sexual act so perpetrated by a special needs student, upon the finding that said had occurred,
624 shall have the right to petition the educational facility and the offending student's case
625 management team to be present at such Individualized Behavioral Modification Education Plan
626 (IBMEP), whether or not, the victim(s) of such violence or sexual abuse is another student or
627 staff member, who is not involved in the offending student's Individualized Educational Plan
628 (IEP) team.

629 It shall be the affirmative responsibility of the offending student's IEP team including,
630 but, not limited to their caseworker to ensure that all safeguards are put into place to ensure that
631 said victim(s) of said violence or sexual abuse committed by the offending student is permitted
632 to attending said IBMEP development meeting and to have input into the plan's development to
633 ensure that said offending student is properly supervised, and is in proper behavioral treatment
634 and is not allowed near their victim(s) of said violence or said sexual abuse, which lead to the
635 suspension or expulsion. This aforementioned petition shall also apply to any new educational
636 facility that said offending student so attends upon expulsion from his/her previous educational
637 facility and admission into a new educational facility. Any violated party so aggrieved by the
638 development of an educational institution's development of the offending student's

639 Individualized Behavioral Modification Educational (IBMEP) shall have a right to petition a
640 court of law for civil commitment into a psychiatric facility for the specified period of time, as
641 deemed under applicable state law, and that at expiration of the civil commitment, said aggrieved
642 party may petition the court for continual civil commitment to said psychiatric facility, and that
643 during said commitment period, an IBMEP shall be developed during said civil commitment
644 proceedings by the aforementioned team and that said IBMEP shall be incorporated into the civil
645 commitment order.

646 Both parties to an Individualized Behavioral Modification Education Plan (IBMEP) shall
647 be entitled to representation of choice by both the offending student and their parent(s) or legal
648 guardian(s) and the parent(s) or legal guardian(s) of the violated party. The responsibility of the
649 costs of representation for both parties of an IBMEP development meeting or a civil commitment
650 petition and or hearing, or both shall be borne by the school district of the offending student(s)
651 and the cost shall be set to reasonable attorney's fees.

652

653 Section 3B Proof of Behavioral or Developmental Disability to Qualify for Behavioral
654 Modification Services in Conjunction with Any Suspensions or Expulsions Handed down by the
655 Educational Facility's Disciplinary Board: Limitations of Educational Facility's Psychologist
656 and Psychiatrist, Restricted to Evaluating Cognitive and Educational Ability: Presumption of
657 Responsibility to Procure Diagnosis

658 Upon the raising of the issue of developmental, or psychiatrically, or emotionally
659 challenged school-aged child so facing a disciplinary action that involves the aforementioned
660 mandated ten (10) day academic suspension for acts or threats of violence onto another student

661 or staff member or mandated expulsion in sexual abuse cases before the educational facility's
662 disciplinary board, by either the child's parent(s) or legal guardian(s) or any of the child's
663 teachers or in the case of a residential educational facility that educates school-aged children in
664 grades Kindergarten-12 or in the case of special needs school-aged children in grades
665 Kindergarten-22-years-old, the cottage or dorm staff, or the offending child themselves, said
666 disability shall be diagnosed by the following professionals:

667 A. An out-patient private practicing psychologist and an out-patient private
668 practicing psychiatrist who has no working affiliation with the child's public, or private day or
669 residential educational facility and

670 B. An in-patient private practicing psychologist and an in-patient private practicing
671 psychiatrist, affiliated with an in-patient psychiatric facility and

672 C. $\frac{3}{4}$ of the practitioners must concur that said developmental, or psychiatric or
673 emotional or behavioral disorder exists after thorough evaluation and

674 D. Said findings by the aforementioned $\frac{3}{4}$ private practicing professionals must be
675 present at said educational facility's disciplinary action to which the issue of developmental, or
676 psychiatric, or emotional or behavioral disability of the offending school-aged child is in
677 question to testify to their diagnosis and findings. This shall also include evaluation as to the
678 requisite state of mind of the offending child at the time of the alleged violent incident or sexual
679 abuse had alleged to have occurred. The functions of the educational facility's psychological and
680 psychiatric staff in the diagnosing of any of the above-mentioned disabilities so outlined above
681 shall be limited to performing educational and cognitive ability testing. In the event that any of
682 the concurring $\frac{3}{4}$ professionals who had confirmed the diagnosis of developmental disabilities,

683 or psychiatric disabilities, or emotional disorder or a behavioral disorder or all of the
684 aforementioned are unavailable to attend said disciplinary board hearing on the aforementioned
685 question of disability or requisite state of mind of the offending school-aged child so facing
686 disciplinary action, said professional or professionals who are unable to be present must submit
687 in writing a notarized statement stating the reason for not being able to be in attendance and also
688 a notarized report of their findings to the aforementioned educational facility's disciplinary board
689 so hearing said case of a disciplinary matter concerning student violence or sexual abuse.

690 It shall be the affirmative responsibility of the offending child's parent(s) or legal
691 guardian(s) to procure said diagnosis of the aforementioned developmental, or psychiatric, or
692 emotional, or behavioral disability or disabilities from the prescribed professionals. In the case
693 where the offending child is 18-years of age or older, the affirmative responsibility shall fall to
694 the offending child, now turned adult under applicable laws, unless said adult is declared
695 incompetent by the appropriate court and appointed a legal guardian, who shall in the case of
696 legal incompetency bear the responsibility of procuring said diagnosis from the prescribed
697 professionals for their ward. Such costs shall be borne by either the parent(s) or legal guardian(s)
698 of the offending student, either through their health insurance plan or that of the child, or that of
699 the student him/herself, or their health insurance plan or in the case of an incompetent student
700 over the age of 18, the cost shall be borne either by the ward him/herself or that of their health
701 insurance plan.

702 Section 4 Disciplinary Board Composition: Procedures In Cases of Mandated Expulsion
703 Or Suspensions: Board Members to Hear Cases, Due Process Requirements and Timeline of
704 Appeals of Said Mandated Expulsions or Suspensions Lasting More Than Ten Academic Days
705 from Educational Facilities, whether Public or Private Day Schools or Private Residential

706 Schools, who Educate School-Aged Children From Grades K-12 to The Entire School
707 Committee In The District Where the Educational Facility Is Located: Additional Criminal
708 Prosecution For Hazing, Bullying, or Violence In Conjunction With Any Bullying Or Hazing
709 Incident: Criminal Court Proceedings To Supersede School Disciplinary Action When Criminal
710 Action Is Said To Commence In M.G.L. Chapter 265 Criminal Cases: School Disciplinary
711 Action To Occur After Criminal Court Findings, Or Before Criminal Case Is Commenced, In
712 Cases Where Court Action Has Not Been Commenced Prior to School-Level Disciplinary
713 Action: Exception To School-Level Disciplinary Action-Automatic Expulsion Upon Arrest And
714 Commencement Of Criminal Proceedings In Cases of First and Second Degree Murder

715 Any school, whether public, or private or residential educational institutions that gives
716 instructions to school-aged children from grades Kindergarten to 12 shall have on its disciplinary
717 board the following:

718 A. The superintendent of said public, private or residential school.

719 B. The assistant principal or the assistant to the director of any public, or private or
720 residential school.

721 C. One teacher of seniority who 1. Does not know anything about the case to be
722 decided and 2. Has worked at said public, or private or residential school for a period of 10 years
723 or more.

724 D. Three students who are: 1a. In an elementary school and who are in grades 4-5,
725 and who are unfamiliar with the case to be heard before the disciplinary board, and that said
726 students must also had not been expelled or suspended for a period of 10 days for an incident
727 involving sexual misconduct, or violence or had been expelled for one (1) calendar year for

728 bringing onto school premises a gun or a dangerous weapon. 1b. In middle School and who are
729 in grades 7 or 8 or who are in grades 7 or 8 and are elected to student council or student
730 government and who are unfamiliar with the case to be heard before the disciplinary board, and
731 that said students must also had not been expelled or suspended for a period of 10 days for an
732 incident involving sexual misconduct, or violence or had been expelled for one (1) calendar year
733 for bringing onto school premises a gun or a dangerous weapon. 1c. In high School and who are
734 in grades 11 or 12 or who are in grades 11 or 8 and are elected to student council or student
735 government and who are unfamiliar with the case to be heard before the disciplinary board, and
736 that said students must also had not been expelled or suspended for a period of 10 days for an
737 incident involving sexual misconduct, or violence or had been expelled for one (1) calendar year
738 for bringing onto school premises a gun or a dangerous weapon.

739 E. Upon issuance of a complaint by either a student or a staff member of any public,
740 or private or residential school where said sexual deviant behavior or the bringing in of guns or
741 dangerous weapons into school or violence in conjunction with any bullying or hazing activities,
742 said principal or president or director of said public, or private or residential schools so
743 administering educational services to school-aged children in grades Kindergarten-12 shall
744 schedule a parent/principal, or director or president conference with the student so alleged to had
745 engaged in any expellable or suspendable offense, which involve either sexual misconduct as so
746 prescribed under M.G.L Chapter 265 or any violent acts as prescribed under M.G.L Chapter 265
747 and their parent(s) or legal guardian(s) and at such conference, a date for said convening of the
748 disciplinary board so charged to hear said case shall be decided and that written notice shall be
749 given to both the alleged student offender, their parent(s) or legal guardian(s) and any victim(s),
750 their parent(s) or legal guardian(s). Said expulsion hearing shall be deemed to convene within 10

751 academic days of said principal, or director or president and parent(s) or legal guardian(s)
752 conference of the alleged offender and that all parties involved in said disciplinary matter before
753 the board shall be entitled to: 1a the right to inspect the case file of the case pending for
754 disciplinary action in cases involving mandated ten (10) academic day suspensions or mandated
755 expulsions. 1B representation by legal counsel of choice of both the defendant and the victim(s).
756 1c the right of the defendant so facing disciplinary action and the victim of such sexual deviant
757 behavior or violence, whether in conjunction with any hazing or bullying to present witnesses
758 and evidence and the right to examine and cross examine witnesses during said disciplinary
759 matters so being heard before said disciplinary board. 1d the right to present opening and closing
760 arguments. 1e in the case of sexual deviant behavior, the right to have said disciplinary matters
761 heard in a sequestered manner, with signage posted on the meeting room in both print and
762 Braille, the words, "Sequestered Hearing, No One Allowed In Meeting Room During
763 Disciplinary Hearing. 1f in cases involving sexual abuse, the disciplinary board of said public, or
764 private or residential school so administering educational services to school-aged children who
765 are in grades Kindergarten-12 or in the case of special needs school-aged children, grades
766 Kindergarten-22-years-old shall appoint a sergeant at arms to keep order during the proceedings,
767 and to escort witnesses in and out of the meeting room, one at a time as they are called and that
768 said sergeant of arms must not be friends, acquaintances or teachers of either the defendant so
769 facing disciplinary action and the victim(s) of a sexual abuse case brought before said
770 disciplinary board or not be friends, or acquaintances and teachers of any of the witness giving
771 testimony before said disciplinary board. 1g A guilt or innocence shall be determined based on
772 facts, and evidence and testimony by two-thirds (2/3) of the disciplinary board and that said guilt
773 shall be found by preponderance of the evidence presented. 1h Upon determination of two-thirds

774 (2/3) of the board members that the defendant has been found guilty of said offense so alleged in
775 the complaint, it shall be the duty of the principal, or the president or the director of said public
776 or private or residential school administering educational programs to school-aged children to
777 hand down the appropriate disciplinary action in proportion to the offense so alleged. 1i In the
778 finding of guilt on an M.G.L Chapter 265 sexual offense, disciplinary action so handed down
779 shall be mandated expulsion from said grade schools so offering educational services to school-
780 aged children in grades Kindergarten-12 or school-aged special needs children in grades
781 Kindergarten-22-years-old and in cases involving bringing guns or dangerous weapons into said
782 educational facilities, expulsion for one (1) calendar year, taking into account, whether or not the
783 weapon was used for the purposes of defending one's self from imminent serious bodily injury
784 or death or imminent threat of serious bodily injury or death. 1j said disciplinary action so
785 handed down must be handed down orally at the conclusion of said disciplinary board
786 proceedings and said disciplinary decision so handed down at the conclusion of said disciplinary
787 board meeting shall also be followed in writing to both of the parties involved. 1k Any defendant
788 found guilty of a disciplinary offense that carries mandated permanent expulsion or an expulsion
789 for one (1) calendar year or a suspension lasting ten (10) academic days shall have the right to
790 appeal his case to the full school committee of the grade school he/she so attends and that such
791 appeal must be made in writing to the school committee of the district to which the educational
792 facility that so instructs school-aged children in grades Kindergarten-12 or special needs school-
793 aged children in grades Kindergarten-22-years-old. 1l said Written notice of appeals shall be
794 made to the aforementioned school committee within thirty (30) calendar days to which said
795 disciplinary action was handed down and that such copies of notices of appeals shall be
796 distributed to a. The school's principal, or the school's director or the school's president or CEO

797 and the victim(s) of the guilty defendant and their parent(s) or legal guardian(s). 1m Said guilty
798 defendant's appeals upheld by the full school committee shall have a right to file a final appeal in
799 juvenile or probate and family court for re-instatement into said educational facility, who
800 educates school-aged children in grades Kindergarten-12 or special needs school-aged children
801 in grades Kindergarten-22-years-old within thirty (30) calendar days of the upholding of the
802 original findings of the school's disciplinary board and that such appeals to said juvenile or
803 family and probate court shall be made in writing to the full school committee, the disciplinary
804 board and the victim(s) of said sexual deviant behavior or violence committed in conjunction to
805 any bullying or hazing. In the findings of said juvenile or probate and family court shall be final
806 and binding.

807 In addition to any school-level disciplinary action for any violent act that occurs in
808 conjunction with any bullying or hazing incident, said student offender so involved in the
809 aforementioned violence in conjunction with any bullying or hazing incident, or stand alone
810 violent acts, said student offender(s) so involved may also face prosecution under the prescribed
811 hazing or anti-bullying act so enacted within the Commonwealth of Massachusetts, and said
812 student offender(s) may in addition to any criminal proceedings under the Commonwealth of
813 Massachusetts' anti-bullying or anti-hazing act, may also be prosecuted for a crime under M.G.L
814 Chapter 265, including, but, not limited to sexual offenses so prescribed herein, whether or not
815 the violence had occurred in conjunction with a bullying or hazing incident or had occurred
816 alone, absent any bullying or hazing.

817 In the event that an M.G.L. Chapter 265 criminal action is commenced, said criminal
818 proceedings shall be said to supersede any school-level disciplinary action when said case is
819 commenced prior to the aforementioned school-level disciplinary action. Be it also enacted that

820 any school disciplinary action commenced when a court proceeding has been said to take place
821 under M.G.L. Chapter 265, all inclusive, said school-level disciplinary action shall be
822 commenced after the juvenile or criminal court had disposed of said case, with the exception of
823 first or second degree murder. In cases of first or second degree murder, said juvenile shall be
824 deemed to be automatically expelled from said educational facility, so instructing school-aged
825 children in grades Kindergarten-12 or any special needs educational institution so educating
826 special needs school-aged children in grades Kindergarten-22-years-old, provided that said first
827 or second degree murder defendant has been acquitted, or the case has been dismissed or the case
828 has been vacated. In situations where said cases of first or second degree murder, where an
829 acquittal, or a dismissal of the charges has been rendered by either a judge or the prosecutor of
830 said first degree or second degree murder case, or that said case has been vacated, said student
831 shall be reinstated into their educational facility, pending any further action taken by the school's
832 disciplinary board. This provision shall include, but, not be limited to public or private day or
833 residential schools, so instructing school-aged children in grades Kindergarten-12 or in the case
834 of special needs school-aged children in grades Kindergarten-22-years-old.

835 Section 4B Developmentally Disabled, Psychiatrically Disabled, Emotionally Disabled:
836 Same Mandated Ten Day Academic Day Suspension for Violence In Conjunction with Any
837 Bullying, or Hazing or Any Other Acts of Violence Committed Onto Other Students Or Staff:
838 Same Mandated Expulsion Requirements for Sexual Abuse, But, Under an Individualized
839 Behavioral Modification Education Plan (IBMEP):

840 Any special needs school-aged children in an educational facility, which educates school-
841 aged children in grades Kindergarten-12 or in the case of special Needs school-aged children in
842 grades Kindergarten-22-years-old who is deemed to have been diagnosed with a developmental

843 disability, or a psychiatric disability, or an emotional disability who has been found guilty, but,
844 disabled, by the school's disciplinary board shall face the same ten (10) academic day suspension
845 period as would their non-disabled peers for violence in conjunction with any bullying or hazing
846 incident or any form of violence onto another student or staff member or shall face the same
847 mandated expulsion for acts of sexual abuse onto other students who are two or more years
848 younger than the disabled offender or has committed sexual abuse onto another staff member so
849 employed at said educational facility.

850 In the case where such developmental, or psychiatrically, or emotionally disabled special
851 needs student has been found guilty, but, disabled, of the aforementioned offenses of violence in
852 conjunction with any bullying or hazing incident or any other forms of violence onto another
853 student or staff member or of a sexual offense, shall be deemed to be found guilty, but, by reason
854 of disability and shall also be subjected to an Individualized Behavioral Modification
855 Educational Plan (IBMED), to which their victim (s) shall have the right to attend such
856 developmental meeting of such plan, with representation of their choice to be borne by that of
857 the offending student's school district. The offending student shall also be afforded this said
858 representation, which shall also be borne by the offender's school district and that such costs of
859 representation shall be compensated as "reasonable attorney's fees."

860 Said Individualized Behavioral Modification Educational Plan (IBMEP) may include but
861 not be limited to supervision, change in environment, medication, accompaniment of a
862 behavioral aide specialist in classrooms, temporary home schooling, psycho therapy to be
863 provided by a psychologist who has no working affiliation with the school, to which the child
864 attends and that such psychologist be in private practice. A sexual offense committed by either a
865 developmentally disabled, or psychiatric or emotionally disabled student who is age 12 years or

866 older shall still carry the same mandated expulsion as if said offender did not have the
867 aforementioned impairments, but, in such cases shall be bound in either a new educational
868 facility or a psychiatric facility, an Individualized Behavioral Modification Educational Plan
869 (IBMEP), as said student shall had been found guilty, but, disabled by said school disciplinary
870 board. In cases where developmentally, psychiatrically, or emotionally disabled students are
871 found guilty, but, disabled in sexual abuse cases, he/she shall not be permitted to be a residential
872 student in any residential school setting, so educating school-aged children or special needs
873 school-age students in grades Kindergarten-12 or in the case of special needs students, grades
874 Kindergarten-22-years-old.

875 Any new educational facility so accepting a developmentally disabled, or psychiatrically
876 disabled student or an emotionally disabled student who has been expelled for a sexual offense
877 from his/her previous school must in addition to coordinating an Individualized Educational Plan
878 (IEP) shall also develop an Individualized Behavioral Modification Educational Plan (IBMEP)
879 with the victim (s) of the sexual abuse from the previous educational facility to which the
880 offender was expelled from, has the right to be in attendance to have “stake holders” say in its
881 development and that such IBMEP developmental meeting must be conducted in a private
882 meeting room and done so in a sequestered manner with signage on the doorways indicating that
883 this meeting is a “sequestered” meeting and that no other staff or students not involved in the
884 development of the plan are permitted entry in to the meeting room and that such signage shall
885 also be made in Braille. The same requirements shall hold true for cases involving violence in
886 conjunction with any bullying or hazing incident or any other form of violent behavior, to which
887 a ten (10) academic day suspension has been handed down and said developmentally disabled, or

888 psychiatrically disabled or emotionally disabled offender has returned upon serving the full
889 suspension.

890 Any victim(s) and their parent(s) or legal guardian(s) who express dissatisfaction with the
891 IBMEP may petition a probate and family court to have said individual civilly committed to a
892 psychiatric facility at which time, upon issuance of an order of civil commitment of the
893 individual offending student, the aforementioned team prescribed above in section 3B of this act
894 shall be present to develop an Individualized Behavioral Modification Educational Plan
895 (IBMEP), with provisions to allow such developmentally disabled, or psychiatrically disabled, or
896 emotionally disabled offending student to have the opportunity to “graduate” from civil
897 commitment based on a review by said court to see that such behavior has improved and that
898 said disabled student may be placed into an educational facility on a probationary period only
899 and that such probation be deemed “disciplinary probation in another educational facility to
900 which the sexual offense had not occurred.”

901 Said Individualized Behavioral Modification Educational Plans (IBMEP) shall be
902 reviewed from time to time to assess the behavioral progress of said offending student so under
903 said IBMEP.

904 Section 4C Parent/principal or Parent/President or Parent/Director Conference: Alleged
905 Offending Student of Violence in Conjunction with any Bullying or Hazing Incident or Sexual
906 Abuse: Suspension Interim: Medical Suspension Interim in Cases Where Disability is Raised at
907 Conference On the Allegations Made: Duty of Administrators to Inform Victims of Suspension
908 Interim in Cases of Violence or Sexual Abuse: Presumed Duty of School Administration to

909 Inform Parents/Legal Guardians of Students and Students of Allegations of Student Sexual
910 Abuse Between Students or Students and Staff.

911 Upon notice to the parent(s) or the legal guardian(s) of a student who has alleged to have
912 committed a violent act in conjunction with any bullying or hazing incident, or violence
913 perpetrated onto any other student or staff member, a parent or legal guardian and principal, or
914 parent or legal guardian president or parent or legal guardian director of an alleged offending
915 student facing either a ten(10) academic day suspension for violence or a permanent expulsion
916 for an alleged act of sexual abuse, at said conference shall be present the offending student and
917 their parent(s) or legal guardian(s) to discuss the allegations raised in the complaint. At the
918 conclusion of said conference, said offending student shall be suspended interim the pending
919 case before the school's disciplinary board. Said interim suspension shall not exceed 10 calendar
920 days, unless a defense of developmental disability, or psychiatric disability or emotional
921 disability is raised during conference. In the case where a disability issue is raised, said offending
922 student raising said disability claim shall be deemed medically suspended interim and sent for
923 evaluation by the aforementioned people as listed in section 3B of this act. Said evaluation shall
924 be concluded within twenty (20) calendar days of the conference.

925 Upon completion of conference, it shall also be the duty of the administrator holding said
926 conference to send to any victim(s) of violent acts alleged or sexual abuse alleged that said
927 alleged student offender has been placed on suspension interim or in the case of the alleged
928 offending student raising disability, medical suspension interim. It shall also be presumed the
929 responsibility of the administration of said schools educating school-aged children or special
930 needs school-aged children in grades Kindergarten-12 or Kindergarten-22-years-old, to send
931 letters home to all parents or legal guardians of all students attending the aforementioned

932 educational facility where a sexual offense is alleged to have occurred. Such letter shall notify all
933 of the parents or legal guardians and the students so attending said educational facility that, “an
934 incident of sexual abuse between students or between staff and students is alleged to have
935 occurred.” With the approximate date and time that the allegation of sexual abuse had been
936 alleged to have taken place.

937 Section 5 Alumni Association, or Alumni Reunions or Alumnus Defined:

938 For the purposes of this act an alumni association in public or private day or residential
939 schools instructing school-aged children in grades Kindergarten-12 or special needs school-aged
940 children in grades Kindergarten-22-years-old shall be said to be defined as the following:

941 A. A not for profit organization receiving tax exempt status under 501 C that consist
942 of a board of directors and

943 B. Has due paying members who had left said educational facility after one full
944 academic year of attendance or who had achieved their high school diploma or some form of
945 certificate that signifies successful completion of course of study and that said members of said
946 alumni association have either left said educational facility after one academic year of attendance
947 or have achieved their high school diploma or has completed some form of certificate signifying
948 successful completion of said course of study in good standing, or who had since they had left
949 said educational facility had not been arrested and convicted of a felony under applicable state or
950 federal law or

951 C. Any educational facility who holds class reunions at intervals of five, or ten, or
952 25, or 50 years past graduation and that said attendees so attending said reunion had paid the
953 appropriate fees to attend said class reunions, and that such fees for attendance to any class

954 reunion had been made payable to either the class president or the class treasurer of the class in
955 correspondence to the year in which said attendees had received their high school diploma and
956 that said attendees at said class reunions had left in good standing or who had not, since leaving
957 said educational facility been arrested and convicted of a felony under applicable state or federal
958 law.

959 For the purposes of this act, the aforementioned definition shall apply to educational
960 facilities that had in the past educated such alumnus who was at the time of attendance as a
961 school-aged child in grades Kindergarten-12 or in the case of special needs school-aged children
962 who had attended said educational facility from grades Kindergarten-22-years-old. Said
963 aforementioned definition shall apply to public or private day or residential schools that had
964 educated said alumnus in grades Kindergarten-12 or in the case of special needs schools, grades
965 Kindergarten-22-years-old.

966 An exception to the aforementioned conviction requirement that so qualifies as grounds
967 for dismissal from the aforementioned alumni associations or organizations shall be the
968 following:

969 A. Any student who had either left said educational facility after one academic year
970 or had already achieved their high school diploma or had completed a certificate signifying
971 successful completion of the course of study who had since left said educational facility, and has
972 been arrested and charged with M.G.L Chapter 265, Section 1, First degree murder or M.G.L.
973 Chapter 265, section 2, Second Degree murder or rape or a felonious sexual offense shall be
974 deemed as automatically dismissed from membership of said alumni associations or
975 organizations, unless said individual member(s) can prove that a criminal juvenile or adult court

976 had acquitted them on said charges of the aforementioned first degree murder, second degree
977 murder, rape, or a felonious sexual offense, or that the aforementioned charges had been
978 dismissed or vacated by a juvenile or criminal court of law.

979 This provision shall also include, but, not be limited to past students who had been
980 involuntarily committed to a psychiatric facility, by order of a criminal juvenile or adult court,
981 within the commonwealth of Massachusetts for the criminally insane on charges of first degree
982 murder, or second degree murder, or rape or any other felonious sexual offense. Upon
983 reinstatement into the school's alumni association, the individual member(s) so applying for
984 reinstatement must show to either the alumni association's board of directors in educational
985 facilities that have alumni associations or the full school committee a certificate from a juvenile
986 or adult criminal court of law: 1. The member has been acquitted of the charges by a jury or has
987 not been adjudicated as delinquent in juvenile criminal proceedings, or 2. A certificate of
988 dismissal or that said charges of the criminal matter had been dropped by the prosecution or a
989 judge of the criminal charges from the said aforementioned trial court or 3. A certificate showing
990 that said criminal proceedings had been vacated from the criminal matter from the said
991 aforementioned trial court that has jurisdiction over the matter. An appeals court's overturning a
992 conviction or ordering a new trial to which a conviction is later adjudicated as an acquittal by
993 either a judge or a jury shall also suffice as grounds for reinstatement into a school's alumni
994 association or allows a former student to participate in a class reunion, so long as said reversal of
995 said conviction is certified.

996 Section 5A Good standing Of Alumnus Defined and What Educational Facilities Are
997 Covered under the Definition of Good Standing

998 For the purposes of this act, good standing shall be defined as:

999 A. A former student who had been in attendance at an educational facility that offers
1000 educational programs to school-aged children in grades Kindergarten-12 or a special needs
1001 educational facility offering special educational services to special needs school-aged children in
1002 grades Kindergarten-22-years-old for at least one (1) full academic year or

1003 B. A former student who has achieved his/her high school diploma, or GED or any
1004 other certification signifying completion of a prescribed course of study from an educational
1005 facility that educates school-aged children in grades Kindergarten-12 or special needs school-
1006 aged children in grades Kindergarten-22-years-old and

1007 C. Who has not been expelled from said educational facility or suspended for ten
1008 (10) academic days for a violent offense upon another student or staff member, whether or not
1009 said violent offenses occurred in conjunction with any bullying or hazing incident or who has not
1010 been charged with first, or second degree murder, or rape while in attendance at said educational
1011 facility or

1012 D. Who has not been convicted in a criminal juvenile or adult court of law of a
1013 felony under M.G.L. Chapter 265, all inclusive, and that involve felony offenses that lead to
1014 adjudication of delinquency or a finding of guilt, while he/she had attended said educational
1015 facility so educating school-aged children in grades Kindergarten-12 or special needs school-
1016 aged children in grades Kindergarten-22-years-old. The definitions so outlined under the
1017 aforementioned provision shall apply to public or private day or residential educational facilities
1018 that have the appropriate credentials to offer educational instructions to school-aged students in
1019 grades Kindergarten-12 or in the case of special needs school-aged children in grades

1020 Kindergarten-22-years-old. Said former students who had not met any of the aforementioned
1021 defined criteria of, “left in good standing,” shall not be admitted into any alumni association or
1022 alumni organization that so holds reunions, whether yearly, or during the academic year or who
1023 hold class reunions specified by their designated intervals of years of celebration of the class’s
1024 graduation from high school.

1025 Section 5B Alumni Association Or Alumni Organization Disciplinary Action Involving
1026 Sexual Abuse of School-Aged Children Who Had Left An Educational Facility After One Full
1027 Academic Year Or Who Had Achieved Their High School Diploma Or Other Certificates
1028 Signifying Successful Completion Of Study From An Educational Facility That Educates
1029 School-Aged Children In Grades Kindergarten-12 Or Special Needs Educational Facilities That
1030 Offer Educational Programs To Special Needs School-Aged Children In Grades Kindergarten-
1031 22-Years-Old

1032 Any school-aged student who has either left an educational facility after completion of
1033 one academic year or who has successfully completed their high school diploma or had received
1034 any other form of certificate signifying successful completion of course of study from an
1035 educational facility that educates school-aged children in grades Kindergarten-12 or that
1036 educates special needs school-aged students in grades Kindergarten-22-years-old, and had done
1037 so in “good standing,” as so defined in this act and who was:

1038 A. 12-years-old or older at the time said sexual offense had alleged to have occurred
1039 and they had either left said educational facility after one full academic year or had successfully
1040 completed the requisite course of study and:

1041 B. It had been later disclosed after graduation or after, either the victim or the
1042 offending student had either left said educational facility after one full academic year or who had
1043 successfully graduated from an educational facility offering educational programs to school-aged
1044 children in grades Kindergarten-12 or special needs school-aged children in grades
1045 Kindergarten-22-years-old and:

1046 C. Both a victim(s) of sexual abuse and the offending student, who was at least 12-
1047 ytears-old until graduation and that said offending student was two or more years older than
1048 his/her victim had

1049 D. Been alleged to had engaged in unconsensual or abusive sexual activities on
1050 his/her victim(s) during the

1051 E. Decades of the 1970's, or 1980's or 1990's or in the case of special needs school-
1052 aged students so being sent into mainstream settings, after the 1972-1973 Roland Consent
1053 Decree, (The Ricotti Case) or chapter 766 had passed, on both, the state and federal level shall
1054 be subject to alumni association proceedings on the allegations of sexual abuse for mandated
1055 dismissal from the aforementioned association or any visits to the aforementioned educational
1056 facility when:

1057 F. Said incident comes to disclosure by his/her victim for the first time in the
1058 following manner:

1059 G. To an outpatient or inpatient psychologist and a psychiatrist in private practice
1060 who has no affiliation with any educational facility that educates school-aged children in grades
1061 Kindergarten-12 or special needs educational programs that educate special needs school-aged

1062 children in grades Kindergarten-22-years-old of the abusive incident and said victim had
1063 confided into a trusted family member of their choice that:

1064 H. The offending student who was at least 12-years of age or older and that his/her
1065 victim was two or more years younger in age at the time of allegation of said sexual abuse and
1066 that, both, said victim and offender had attended the aforementioned educational facility at the
1067 time the alleged offense had occurred prior to either the victim(s) or the offending student had
1068 left said educational facility after one full academic year or had graduated with their high school
1069 diploma or other certificate signifying successful completion of study, or both, the hereinafter
1070 mentioned victim(s) and the hereinafter mentioned offending student had either left the
1071 educational facility after completion of one full academic year or both, victim(s) and offending
1072 student had graduated from said educational facility with a high school diploma or some other
1073 form of certificate signifying successful completion of study. This section shall be construed to
1074 cover sexual abusive acts under M.G.L. Chapter 265 sexual offenses including, but, not limited
1075 to rape, statutory rape of a minor under 16, sexual assault of a minor under 14, indecent assault
1076 of a minor, forcible rape of a minor, aggravated rape of a minor or any other sexual activities
1077 onto a minor that can otherwise be criminally charged under M.G.L. Chapter 265, or any
1078 incidents of sexual abuse, to which a student prior to leaving said educational facility had been
1079 suspended for or expelled for, prior to leaving said educational facility, he or she had attended
1080 for one academic year, or he/she had left as a graduate, or

1081 I. Any former student who prior to the passage of this act had been charged and
1082 convicted of an M.G.L. Chapter 265 sexual offense, including, but, not limited to rape, and who
1083 had since been let back into said alumni association since conviction. Said convicted alumnus
1084 who is re-instated back into said alumni association, as an ex-convict of an M.G.L. Chapter 265

1085 sexual offense, including, but, not limited to rape shall be permanently dismissed as a member of
1086 such and said to be of, “character no longer in good standing.” The aforementioned provision
1087 shall also apply to alumnus who had been suspended or expelled from said educational facility
1088 prior to leave or graduation from said educational facility shall also be deemed as, “character not
1089 in good standing,” and shall also be permanently dismissed from said membership. This
1090 provision and all of the section 5, 5A and 5B shall also apply to former school-aged special
1091 needs students who are alumnus.

1092 Section 5C First Disclosure: Reduced TO Writing by Psychologist and Psychiatrist,
1093 Whether out Patient Or In Patient: Two/Thirds To Concur That First Disclosure Of Sexual
1094 Activity Was Abusive and Has Caused Latent Discovery of Emotional Injury: Signature
1095 Requirements: Signature Of Mental Health Practitioners and Victim In the Presence of A Notary
1096 of The Public: Statute of Limitations In Regards To Alumni Association Proceedings for
1097 Dismissal of Alumnus

1098 First disclosure of sexual abuse between former students who had attended the same
1099 school as their victim and the offender was 12-years in age and his victim at the time of said
1100 sexual abuse was 2 or more years younger than the offending student shall be said to have
1101 occurred when:

1102 A. Said disclosure was made to a trusting family member, to whom said victim of
1103 said abuse was made to such trusting family member in confidence and

1104 B. Said disclosure is made to a private practicing psychologist and psychiatrist in
1105 private practice and who is not affiliated with any schools or educational facilities, whether, said
1106 educational facility so offering said educational instructions to school-aged children in grades

1107 Kindergarten-12 or offering special needs educational services to special needs school-aged
1108 children in grades Kindergarten-22-years-old, and that such mental health practitioner is not so
1109 affiliated in any forms with the hereinafter educational facility so educational facility offering
1110 educational instructions, whether or not the educational facility is a public, or private day or
1111 residential school, so offering said educational instructions to the hereinafter school-aged
1112 children in grades Kindergarten-12 or special needs school-aged children in grades
1113 Kindergarten-22-years-old and that

1114 C. The victim of said sexual offense had disclosed such to four different
1115 psychologists and psychiatrist, to be construed to mean 1a the psychologist and psychiatrist the
1116 victim is presently seeing if any at the time of said disclosure, or in the case that said victim is
1117 not in treatment at the time, one (1) psychologist and one (1) psychiatrist in the community and
1118 one (1) psychologist in an in-patient psychiatric facility and one (1) psychiatrist also from an in-
1119 patient psychiatric facility, and

1120 D. Upon evaluation, two-thirds(2/3) out of the four private practitioners must concur
1121 that in their view, sexual abuse had occurred between both the victim and the oldest of the two
1122 student or student (s) so involved in said sexual activities had been alleged to do so, and had lead
1123 to emotional injury at the time of said first disclosure as an adult of child sexual abuse and

1124 E. Said first disclosure report be reduced to writing and that a notary of the public be
1125 present at the time of such signing of said report, by the victim of the sexual abuse and two-third
1126 (2/3) of the mental health practitioners in concurring medical opinion that said sexual abuse had
1127 occurred between a victim and the offending student (s), while both the victim and the offending

1128 student (s) were in attendance at the same educational facility at the time said offense had alleged
1129 to occurred.

1130 A victim of the aforementioned sexual abuse may ask the family member he/she had
1131 confided into to be present or communicate via phone to the four different practitioners in the
1132 mental health professionals to whom the victim is seeing at the time of first disclosure. Any
1133 information that comes to light from the family member said victim had confided into must be
1134 included into the evaluation documentation to be signed by the victim and the practitioners who
1135 the victim is seeing at the time of disclosure, in the presence of a notary of the public.

1136 The name of Said family member, to whom the victim had confided into, shall not be
1137 included in the evaluation report.

1138 Said family member, to whom the victim had confided into shall not be required by any
1139 alumni association's board of directors or the full school committee to testify on the matter in
1140 said motion for dismissal of the offending member at the time of dismissal hearing on the matter,
1141 unless given permission by the victim of the sexual abuse to do so or by order of a court.

1142 There shall be no statute of limitation pertaining to when first disclosure is said to be
1143 made, however, there shall be a twenty-seven (27) year statute of limitation for dismissal
1144 proceedings in an alumni association or an alumni organization, which shall begin to toll from:

1145 A. The date of first disclosure or

1146 B. The date from which the incident had occurred or

1147 C. The date to when such written first disclosure had been delivered to the
1148 educational facility's current head administrator or

1149 D. First disclosures to the aforementioned above that had been made prior to passage
1150 of this act, whichever, comes later.

1151 Section 5D Duty of Current Administrator To Report First Disclosed Cases of Sexual
1152 Abuse Between Students: Department of Children and Families and Educational Facility's
1153 Alumni Association's Board of Directors or School Committee: Failure to Report Past Incidents
1154 of Sexual Abuse Between Students: Penalties and Revocation of Professional Licensure

1155 Upon receipt of a notarized documentation of first disclosure of sexual abuse alleged to
1156 have occurred prior to:

1157 A. Both the victim and the offender, so attending the same school where said
1158 incident had alleged to have occurred had either graduated from said educational setting that
1159 instructs school-aged children in grades Kindergarten-12 or school-aged special needs children
1160 in grades Kindergarten-22-years-old or

1161 B. One or both of the parties had left said educational facility that educates school-
1162 aged children in grades Kindergarten-12 or special needs school-aged children in grades
1163 Kindergarten-22-years-old had left said educational facility after one or more academic years of
1164 attendance prior to graduation from High School, it shall be the affirmative responsibility of the
1165 current head administrator so in charge of said educational setting to report said alleged incidents
1166 of sexual abuse to the Department of Children and Families as if it had occurred at time of
1167 receipt of the aforementioned notarized documentation of first disclosure, by said victim and the
1168 evaluating practitioners so involved during first disclosure and to the board of directors of the
1169 educational facility's alumni association, or in the case where said educational facility does not
1170 have an official alumni association situated in said educational facility, to the full school

1171 committee. Failure of said current administrator to forward said first disclosures to the
1172 aforementioned board of directors of the educational facility, or the full school committee, in the
1173 case where no official alumni association exists and to the aforementioned Department of
1174 Children and Families is guilty of obstruction of justice and shall be punishable by imprisonment
1175 in state prison for no less than three (3) years or a fine of twenty-five hundred dollars,
1176 (\$2,500.00) or both said imprisonment and fine. Said administrator who fails to meet the
1177 aforementioned reporting requirements shall have his/her professional license revoked and can
1178 never be an administrator of an educational facility that educates school-aged children in grades
1179 Kindergarten-12 or special needs school-aged children in grades Kindergarten-22-years-old. This
1180 provision shall be inclusive to public or public day or residential schools that educate school-
1181 aged children in grades Kindergarten-12 or special needs school-aged children in grades
1182 Kindergarten-22-years-old.

1183 Section 5E Motion for Dismissal from Educational Facility Alumni Associations or
1184 School Premises: Proceedings to Be Sequestered: Due Process: Finding of Guilt or Innocence
1185 and Appeals of Such Findings of Guilt

1186 Upon receipt of the first disclosure of sexual abuse from the current administrator of the
1187 school at time of delivery of notarized documentation of first disclosure documentation of sexual
1188 abuse, it shall be the duty of an Alumni Association's board of directors or the school committee
1189 in educational facilities educating school-aged children in grades Kindergarten-12 or in the case
1190 of special needs school-aged children in grades Kindergarten-22-years-old, it shall be the duty of
1191 the educational facility's alumni association's board of directors or in the case where said
1192 educational facility so educating said school-aged or special needs school-aged children in the
1193 aforementioned grade levels or age levels to hear cases of past sexual abuse between victims and

1194 the offending students who both attended the same educational facility at the time said sexual
1195 abuse has alleged to have occurred in the following manner:

1196 1. Within sixty (60) days of said delivery of said notarized documentation of first
1197 disclosure.

1198 2. In a sequestered manner, with signage on the meeting room that reads, meeting is
1199 SEQUESTERED-DO NOT ENTER THIS ROOM

1200 3. Written notice to both the victim of said sexual abuse so alleged and the alleged
1201 offending student of the date of hearing and that said hearing notice must detail the allegations of
1202 sexual abuse as grounds in the motion for dismissal proceedings, and the right of representation
1203 by the victim and the offending former student or if both parties are former students, right to
1204 representation of choice of both said victim and offending former student.

1205 4. The right to examination and cross examination

1206 5. The right to present evidence in said motion for dismissal proceedings

1207 6. The right of the parties to present witness testimony on his or her behalf

1208 7. Present in the meeting room shall be A the victim of the alleged sexual abuse. B
1209 the accused. C representation of choice by both parties in the matter. D the educational facility's
1210 alumni association's board of directors so hearing the case or in the case where said educational
1211 facility does not have an alumni association, the full school committee so hearing the case.

1212 8. Witnesses shall be called into the meeting room one (1) at a time and said
1213 proceedings shall be guarded by a security guard in the meeting room and another security guard
1214 situated where the witnesses are awaiting their turn to give testimony.

1215 9. The presentation of opening and closing arguments by the representatives of the
1216 parties involved in said motion for dismissal proceedings

1217 10. The finding of guilt or innocence in the matter of the alleged sexual abuse
1218 allegation must be decided by two-thirds (2/3) of the alumni association's board of directors in
1219 educational facilities that have organized alumni associations or two-thirds (2/3) of the full
1220 school committee in educational facilities that have no official non-profit alumni association
1221 organization. Said guilt shall be by preponderance of the evidence.

1222 11. At the conclusion of such motion for dismissal proceedings on the matter
1223 concerning passed sexual abuse, once a decision has been made by either the board of directors
1224 of the educational facilities alumni association in educational facilities that have an official
1225 alumni association or the full committee of the school committee of an educational facility that
1226 has no organized alumni association, such decision must be handed down by the president of the
1227 educational facility's board of directors of the educational facility first orally and in the case of
1228 an educational facility of an educational facility that has no official alumni association, the
1229 decision must be handed down orally by the chairperson of the school committee. Upon oral
1230 communication, by the president of an educational facility's alumni association or by the said
1231 chairperson of an educational facility that has no official alumni association, such
1232 communication and adjudication of dismissal of the said sex offending former student, the
1233 finding of the decisions by the boards must be followed-up in writing within ten (10) days of the
1234 oral decision and in such written notification, there shall be included a written notice of a former
1235 student sex offender's right to appeal the case to the full board of trustees or the mayor and the
1236 city council of the city or town which the educational facility where the offense had occurred and
1237 that the offending student who has been found guilty of said sexual abuse shall have thirty (30)

1238 days from receipt of written notification of said finding of guilt to make such appeal to either the
1239 board of trustees or the mayor and the city council in which the school so attends has. In the case
1240 of no board of trustees, said written appeal shall be made to the mayor and the city councilor
1241 who in each case shall issue a hearing on the appeal within ten (10) days of receipt of the written
1242 request of an appeal on a motion for dismissal for sexual abuse for reinstatement into the
1243 school's alumni association or to attend any reunions of former students may have reunions at
1244 for their graduation class years. In said appeals process, consideration to overturn the board of
1245 directors or of an educational facilities or school committees' decision of permanent dismissal
1246 from school premises and any reunions must examine any errors in due process and whether or
1247 not the presentation of evidence was presented fairly and impartially and whether or not said
1248 decisions were made according to impartiality and fairness. Upon review of the case on appeal,
1249 said decision must be made in writing within twenty-one (21) days after receipt of the request of
1250 the appeal. This appeal to either the educational facility's board of trustees or the Mayor and City
1251 Council shall be deemed to be final and binding on the parties involved.

1252 12. Said notice of appeal of the finding of guilt shall be given to the victim of the
1253 sexual abuse, their representatives and the educational facility's alumni association or the full
1254 school committee.

1255 13. Said finding of guilt after all hearings and appeals had been concluded shall be
1256 said to deem that said former student sexual offender has been deemed to be found to had left or
1257 graduated as "not in good standing by reason of disciplinary action." Such finding of "Not in
1258 good standing by reason of disciplinary action," shall be said to be retroactive, as if the sexual
1259 offending student had been expelled at the time the sexual abuse had occurred, but, shall have no
1260 effect on any high school diplomas, or certifications retained or any other awards for academic

1261 performance or any other awards for any other participation in any other school-based activity
1262 that the former student had achieved, as said diplomas, or certification of completion of studies
1263 or awards had been earned prior to first disclosure of the aforementioned sexual abuse that had
1264 occurred while both the victim and the offending former student had attended the same school
1265 prior to the earning of any diploma, or certificate of completion of course of study, or any awards
1266 earned or both, by the offending former student, prior to first disclosure of said sexual offense.

1267 Section 5F Motion for Dismissal Proceedings Notices to Incompetent Former Students
1268 Who Are Victims and Sexual Offenders: Sent To Parents or Legal Guardian When the Parties to
1269 Such Proceedings Are Declared Wards

1270 Any former student who was a victim of a sexual abuse committed by another former
1271 student, who was 12-years-old or older and who's victim was two or more years younger than
1272 the offending student, who attended the same educational facility that educates school-aged
1273 children in grades Kindergarten-12 or in the case of special needs school-aged children in grades
1274 Kindergarten-22-years old who are 18-years of age or older and who has been declared
1275 incompetent by a court that has the appropriate jurisdiction to declare said former student
1276 incompetent, notices of said alumni proceedings, and decisions, and appeals and final decisions
1277 shall have notices sent to:

1278 A. The legal guardian appointed by the court that serves as the guardian or guardians
1279 of the ward or:

1280 B. In the case where the former student's parents are appointed guardians of the
1281 wards, to the former student's parent(s).

1282 C. Both victim and alleged sexual former student offender shall both receive any
1283 notices concerning alumni association or school committee proceedings, findings and appeals
1284 and the final decisions of the appeals.

1285 D. The incompetent persons' provision in section 5F shall pertain to former students
1286 who are age 18-years of age or older and who had been declared incompetent by a court that has
1287 the appropriate jurisdiction to declare a person incompetent and who has been appointed a
1288 guardian.

1289 Section 5G There shall be an alumni board on sexual abuse committed by students. The
1290 board shall consist of three independent staff members who have been employed by said school
1291 for one year or less.

1292 Section 6 Retaliation Defined: Definitions to Affect All Educational Facilities within the
1293 Commonwealth of Massachusetts

1294 Upon a case of sexual abuse being brought before either the school's disciplinary board
1295 for automatic expulsion or ten (10) academic day suspensions for violence that had occurred in
1296 conjunction with any bullying or hazing or any other forms of violent acts in conjunction with
1297 said bullying or hazing or that are done separate from, or the school's alumni association or
1298 school committee in the case of sexual offenses, retaliation shall be defined as the following:

1299 A. A friend or family member or a bunch of friends or family members who
1300 embarrass or humiliates any party so involved in the aforementioned disciplinary proceedings
1301 prescribed herein or:

1302 B. Any staff member or school administrator who discourages disciplinary action or
1303 criminal actions to be taken for the sake of protecting the educational institution’s reputation,
1304 whether said disciplinary action is taken on the school level, or pursued in criminal court or in
1305 the case where one of the parties involved in a sexual abuse case is a former student at the time
1306 of said alumni association disciplinary proceedings for dismissal or school committee
1307 proceedings for dismissal from said educational facility’s premises. Or:

1308 C. Any physical violence or verbal threats of violence that occurs between either of
1309 the parties, or their friends, or their family members, or school staff or administration to thwart
1310 any disciplinary matter from moving forward in cases of violence or sexual abuse committed by
1311 students who are in educational facilities that educate school-aged children in grades
1312 Kindergarten-12 or any special needs educational facilities that educate special needs school-
1313 aged children in grades Kindergarten-age 22-years-old.

1314 D. Threats of disciplinary action or disciplinary actions taken against any other
1315 student or staff member who is either victims of sexual abuse or violence in conjunction with any
1316 bullying or hazing or violence that is separate from any bullying or hazing, or threats of violence.
1317 This provision shall apply to school administration, other students or other staff who are not
1318 affiliated with the case at hand or who are friends or family members of any of the parties so
1319 involved in said disciplinary actions being taken out against another student or staff member for
1320 sexual abuse or violence in conjunction with bullying, or hazing or acts of violence that is
1321 separate acts from any bullying or hazing.

1322 The aforementioned definitions of retaliation shall apply to educational facilities that
1323 educate school-aged children in grades Kindergarten-12 or in educational facilities that educate

1324 special needs school-aged children in grades Kindergarten-22-years-old and any post secondary
1325 educational facility, such as a college, or a university, or a technical school or a vocational or
1326 trade school, whether or not the aforementioned educational facilities are a public day, or private
1327 or residential educational facility on all educational levels that are located within the
1328 Commonwealth of Massachusetts The prescribed definition of retaliation shall apply to all
1329 educational facilities within the Commonwealth of Massachusetts and shall include all
1330 educational facilities on all educational levels.

1331 Section 6A Penalties for Retaliation Criminal and Civil Liability for Retaliation

1332 Any person who engages in any of the following acts as mentioned in section 6 herein of
1333 this act is guilty of retaliation based solely on disciplinary action being taken for acts of sexual
1334 abuse or violence and that such acts of retaliation is punishable by a fine of no less than five
1335 thousand dollars (\$5,000.00) and imprisonment in state prison for a period of no less than five
1336 (5) years.

1337 In addition to any criminal actions arising out of retaliation, any person to have engaged
1338 in the aforementioned retaliation as defined in section 6 herein of this act shall also face civil
1339 liability for discrimination and tort liability in an amount to be determined in proportion to the
1340 retaliation so engaged in.

1341 Any victim of retaliation who has been suspended or expelled or dismissed from an
1342 alumni association or school premises for the sole purpose of bringing about a complaint of
1343 sexual abuse or violent actions of other students or staff members shall be re-instated into said
1344 educational facility, or said alumni association or be allowed to visit on school premises, so long
1345 as no disciplinary action is being taken against said individuals for having lied under oath to a

1346 disciplinary board, or alumni associations' board of directors or school committee about said
1347 sexual abuse or violence perpetrated by other students or staff members, during said disciplinary
1348 matters on the aforementioned sexual abuse or violence so committed by other students, former
1349 students or staff members. Said disciplinary action for lying about said sexual abuse or violent
1350 actions occurring shall be deemed to be perjury and shall be prosecuted under applicable law for
1351 perjury.

1352 Section 7 Two Week Medical Leaves for Students Attending Educational Facilities That
1353 Educate School-Aged Children In Grades Kindergarten-12 or Special Needs School-Aged
1354 Children In Grades Kindergarten-22-Years-Old Who Have Medical Treatment Including Rape
1355 Test Kits and Surgical Procedures On the Reproductive Parts of the Body or the Breast Region
1356 During the Academic Year to Run from Two Days After the Labor Day Holiday till the Third
1357 Friday of June: No Roommates For Students Attending Residential Educational Facilities that
1358 Educate School-Aged Children In Grades Kindergarten-12 Or Special Needs School-Aged
1359 Children In Grades Kindergarten-22-Years-Old: Two Week Mandated Medical Leaves for
1360 Medical Procedures On Reproductive Organs Or Other Private Parts of the Human Body to Be
1361 In Effect When Said School-Aged Child or Special Needs School-Aged Children Reaches the
1362 Age of 11-Years-Old

1363 Any school-aged child attending an educational facility that educates school-aged
1364 children in grades Kindergarten-12 or special needs school-aged children in grades
1365 Kindergarten-22-years-old and who is eleven (11) years-old or older who is scheduled to have
1366 medical procedures or an emergency rape test kit on any of the following parts of the human
1367 body, which shall include, but, not be limited to the:

1368 A. Testicles or
1369 B. Penis or
1370 C. Vagina or
1371 D. Breast or
1372 E. Uterus or
1373 F. Any other part of the human anatomy deemed to be designated as “Private parts,”
1374 of the human body shall be dismissed from said educational facility for a period of two (2)
1375 academic weeks in the case of an elective medical treatment so occurring on said “private parts,”
1376 of the human anatomy during the academic year to be deemed as to start no earlier than two (2)
1377 days after the Labor Day holiday and to conclude no later than the third (3rd) Friday in June.
1378 Said student so having the above-mentioned medical treatment, whether elective or on an
1379 emergency basis shall during the two (2) academic week’s medical leave remain in the custody
1380 of their parent(s) or legal guardian(s) and shall not be on school premises until the two weeks are
1381 up or until the student has recovered from said procedure.

1382 It shall be the sole responsibility of the child’s parent(s) or legal guardian(s) during the
1383 two academic weeks to do the following:

1384 1. Bring his/her child to the physician so performing the medical treatment on said
1385 school-aged child’s “private parts,” of the human anatomy to have the physician show and
1386 explain to the child via use of a manikin or paper doll, the “private part(s),” of their body that is
1387 subjected to the elective or emergency medical treatment.

1388 2. Have his/her child seen by both a psychiatrist and a psychologist in an outpatient
1389 and private practicing facility that is not affiliated with any educational facility educating school-
1390 aged children within the Commonwealth of Massachusetts for an evaluation to see if the child
1391 understands what the physician so doing the procedure is doing on the appropriate physical or
1392 developmental age of the child and to evaluate whether or not the child understands that he or
1393 she has no right to touch the “private parts,” of the human body of any other person, in
1394 proportion to the child’s physical and developmental age level.

1395 3. Follow all necessary steps given by the treating physician prior to and in
1396 preparation for any medical or surgical procedure on their “private parts,” of their body and post
1397 treatment instructions so given by said physician so giving said medical treatment and

1398 4. Have his/her child return back to the original psychologist and psychiatrist from
1399 the aforementioned outpatient practicing facility for post treatment evaluation of the said child’s
1400 understanding of the procedure and behaviors had changed in understanding prior to said
1401 procedure in proportion to the physical and developmental age of the child.

1402 5. Secure the academic work that will be missed during the two academic week
1403 period that the child is out, via a tutor, over the Internet or via temporary home schooling. In the
1404 case of a special needs school-aged child, such educational material so missed during the
1405 aforementioned two academic week medical leave shall be reasonably accommodated according
1406 to the child’s Individualized Educational Plan, (IEP).

1407 6. Prior to said school-aged child returning to his/her educational facility from the
1408 said two(2) academic week medical leave, secure the before and after treatment evaluation

1409 reports from the aforementioned psychologist and psychiatrist, so performed during the two(2)
1410 academic week medical leave.

1411 7. Have any strategies mentioned in the aforementioned report that sets guidelines to
1412 prevent said school-aged children from molesting other students' or staff members' "private
1413 parts," of their human anatomy.

1414 8. Set up between the parent(s) or legal guardian(s) and the school, an Individualized
1415 Behavioral Modification Educational Plan, (IBMEP) that addresses prevention of molestation to
1416 others so attending or working in said educational facility. Said Individualized Behavioral
1417 Modification Educational Plan, (IBMEP) shall be developed and implemented within the first
1418 two academic days of the child's return to school from said two (2) academic week medical
1419 leave for medical treatment on the aforementioned "private parts," of their body.

1420 9. In the case of residential educational facilities that educate school-aged children
1421 in grades Kindergarten-12 or special needs school-aged children in grades Kindergarten-22-
1422 years-old, upon said student returning to the aforementioned residential school from a two(2)
1423 academic week medical leave for treatment on the "private parts" of his/her human anatomy,
1424 said child shall not be placed in a room with any other students who are 12-years of age or older,
1425 who resides in the same dorm or cottage as the aforementioned student who had elective or
1426 emergency medical treatment on the aforementioned, "reproductive," or, "private parts," of the
1427 human anatomy, whether or not the student is male or female, for the remainder of the academic
1428 year, and that said child's name must have a red asterisk(*) next to his/her name indicating that
1429 he/she is not to be roomed with any other student 12-years of age or older who resides in the
1430 same dorm as the student who had returned from said medical leave as mentioned above, during

1431 the remainder of the academic year and that said student must be placed in either a room with
1432 thoroughly CORIED and SORIED staff members, so CORIED and SORIED in all 50 states and
1433 internationally if they came from any other country besides the United States of America, or
1434 placed in a single room by themselves, when they are age 13-years-old or older. In the case
1435 where said placement cannot be provided to said residential child so returning as a resident
1436 student from his/her two(2) academic week medical treatment on his/her “private parts,” of the
1437 human body, said child must remain a day student for the remainder of the academic year and it
1438 shall be incumbent upon both the child’s parent(s) or legal guardian(s) and the town to which the
1439 child is domiciled in to provide transportation to and from school at the end of each academic
1440 day and that these provisions shall be in effect in proportion to the remainder of the academic
1441 year since the two (2) academic week medical leave. In the case where said residential school-
1442 aged child is attending the aforementioned residential school from out of state and that said home
1443 destination is out of state and more than 45 minutes away from the aforementioned residential
1444 school or said residential student must travel by air or long bus trip, it shall be incumbent on the
1445 parent(s) or legal guardian(s) of the out of state residential student temporarily home schooled by
1446 said parent(s) or legal guardian(s), using the materials that other students in his/her class is using
1447 at the end of the two(2) academic week medical leave. This may be accomplished by the
1448 residential school providing a tutor or providing the same materials over the Internet as distance
1449 learning. It shall further be incumbent on the residential school to reasonably accommodate the
1450 educational materials for an out of state special needs child as outlined in their Individualized
1451 Educational Plan, (IEP).

1452 It shall be presumed to be the responsibility of the child’s parent(s) or legal guardian(s)
1453 of any school-aged children so attending a residential school to notify the said school, whether or

1454 not the medical treatment on their child’s “private parts,” of their child’s human body is an
1455 elective procedure, or in the case of an emergency, involving the “private parts,” of the child’s
1456 body, to notify the head administrator of the child’s school, who shall, in turn notify the school’s
1457 health department, the child’s teachers and in the case of a residential school where said school-
1458 age child attends, the senior houseparent or senior housemaster, who shall in turn place next to
1459 the residential student’s name a red asterisk(*) signifying that said student is not to be placed
1460 with any roommates who are age 12 or older except for thoroughly CORIED and SORIED staff
1461 members in all 50 states, as it pertains to criminal records and sexual offenses on children, or that
1462 said student be placed into a single room when he/she is 13-years-old or older or in the case
1463 where said accommodations cannot be made, said residential student is to be deemed a day
1464 student for the remainder of the academic year proceeding any elective or emergency medical
1465 treatment on said school-aged child’s “private parts,” of their body. In the event that said student
1466 is domiciled out of the Commonwealth of Massachusetts and lives more than 45 minutes away
1467 from said residential school, said student must remain at their out of state domicile with their
1468 parent(s) or legal guardian(s) and shall be entitled to receive their educational material from said
1469 residential school via a tutor or through distance learning via the Internet, and said residential
1470 school that the child attends must provide this instruction throughout the remainder of the
1471 academic year and in the case of a special needs school-aged child, said reasonable
1472 accommodations as outlined in the child’s Individualized Educational Plan (IEP) shall be
1473 presumed the responsibility of the residential school said child attends and that the
1474 aforementioned educational materials provided with the aforementioned reasonable
1475 accommodations shall be provided throughout the remainder of the academic year, to which the
1476 elective or emergency medical treatment has occurred on the “private parts,” of said school-aged

1477 child's body. A tumor, or injury, or pain or a rape test kit or a rape examination to the "private
1478 parts," of a school-aged child 11-years-old or over shall also be deemed instances of emergency
1479 medical treatment or whatever the child's parent(s) or legal guardian(s) and the treating
1480 physician deems to be an emergency need for medical examination or treatment on the, "private
1481 parts," of the school-aged child's human body.

1482 In the case where a school-aged child or a parent or the legal guardian of a minor child
1483 apprises the school staff or in the case of a residential school, the head houseparent or head
1484 housemaster that the school-aged child has been the victim of a rape, whether said rape occurred
1485 on campus or off campus, said house staff so employed in the same dorm to which the rape
1486 victim currently resides shall follow the same aforementioned, "No roommates," provision and
1487 procedures and also must not at anytime, should the child discuss the incident with them, shut the
1488 child off, at anytime during the healing process and or during any judicial process to which the
1489 child rape victim may be involved in.

1490 In the circumstances where no staff member knows about said minor being raped,
1491 whether said incident occurred on or off campus, and whether or not school was in session at the
1492 time, should said rape victim student start discussing any aspects of the rape incident that had
1493 occurred, whether on campus or off campus or while school was in session or out of session with
1494 any other student, who resides in the same dorm as the said victim and that said other student, to
1495 whom the victim is having discussion with, regarding said rape incident and that said other
1496 student is 15-years of age or older or is the roommate of the rape victim, and that said roommate
1497 is 15-years of age or older, must report to the house staff in the dorm or cottage to which they
1498 both live, the fact that said student to whom they were having conversation with had started
1499 talking about said rape incident and that said staff member must then be in consultation within

1500 one academic day, to the head administrator of the residential school and the school's health
1501 department, and the child's parent(s) or legal guardian and that in such conversation with said
1502 head school administrator, the school's health department and the child's parent(s) or legal
1503 guardian, said head house staff in the dorm to which said child rape victim resides must inform
1504 the aforementioned entities that said child rape victim has opened up to another student age 15
1505 years or older, including, but, not limited to his/her roommate(s), or other dorm or cottage mates
1506 or both, said dorm or cottage mates and his/her roommate.

1507 Failure of said head houseparent or head housemaster to follow the aforementioned
1508 procedures shall face automatic termination of employment from said residential school and also
1509 may be held civilly liable to said child rape victim and their family in an amount not to exceed
1510 twenty-thousand dollars (\$20,000.00). Any student who is either the roommate(s) or dorm or
1511 cottage mate and who is 15-years of age or older to apprise said staff member that said child
1512 victim had discussed any rape incident or any aspects of said rape incident, whether or not said
1513 rape incident occurred on or off campus and whether or not said rape incident had occurred while
1514 school was in session or not in session, shall be deemed expelled from said school setting for one
1515 (1) academic semester. At said time, during the academic year that a house staff member
1516 becomes apprised of said rape incident with said minor child, if said minor child is roomed with
1517 any roommate(s) who are age 12-years or older said child rape victim shall have next to his/her
1518 name the aforementioned red asterisk, indicating that he/she is to receive different rooming
1519 accommodations without any student, thus, this shall follow the same procedure as prescribed in
1520 section 7 of this act, otherwise known as the Juvenile Violence Act of 2015. The aforementioned
1521 section 7 procedures shall be deemed as protocols of rooming students who had any medical

1522 treatment, whether elective or emergency on his/her, “private,” parts of the human anatomy or
1523 that of the reproductive parts of the human anatomy.

1524 Failure of a head houseparent or head housemaster to follow the aforementioned
1525 protocols of placing said red asterisk around said student’s name upon knowledge of a procedure
1526 concerning the, “private,” parts of the human anatomy or the reproductive system shall lead to
1527 mandated termination of employment and in addition to said mandated termination of
1528 employment, may face criminal liability, which shall be deemed as appropriate charges and
1529 prosecution for neglect of a minor under the age of 18-years-old and civil liability not to exceed
1530 twenty-thousand dollars(\$20,000.00).

1531 Any dorm or cottage student, or any other student so being educated in a day public or
1532 private or residential school, or any other educational facility that educates school-aged children
1533 in grades Kindergarten-12 or in the case of special needs school-aged child in grades
1534 Kindergarten-22-years-old, who preys upon a recovering rape victim child, via using such
1535 incident to engage in unauthorized mouth to mouth resuscitation, or any other unauthorized
1536 touching of said rape victim child, and that such action is used to explore or act out onto the rape
1537 victim child shall be deemed to be trickery as so defined under section 1B of this act, otherwise
1538 known as the Juvenile Violence Act of 2015. Said student, who engages in said emotional
1539 trickery to lure exploration of the, “private,” parts or the reproductive parts or both of the human
1540 anatomy of the rape victim shall be presumed to be engaging in sexual abusive activities, via
1541 emotional trickery, and coercion, and thus, shall face the same mandated expulsion for child on
1542 child sexual abuse.

1543 Section 8 Training of First Aid and Sexual Education: Who May and May Not
1544 Administer This Type of Training: qualifications of Delivery of First Aid training: Duty of
1545 Parents or Legal Guardian to Instruct School-Aged Children in Sexual Education: Qualified
1546 Trainers of First Aid Prohibited from Living On Campuses of Residential Schools Instructing
1547 School-Aged Children in Grades Kindergarten-12 or Special Needs School-Aged Children in
1548 Grades Kindergarten-22-Years-Old: Methods of First Aid Training: Parents or Legal Guardians
1549 Presumed Criminally Liable for Sexual Abuse Committed By Their Children or Ward: Tort
1550 Liability, No More Than \$20,000.00 for Sexual Abuse Committed By Their Children or Ward:
1551 Criminal Liability Shall Be Deemed As Contributing to the Delinquency of a Minor: House
1552 Staff, or House Masters or Houseparents: Also presumed Civilly and Criminally Liable for a
1553 Sexual Abuse Committed onto Another Student or Staff Member

1554 The course of first aid training may only be administered to school-aged children in
1555 grades Kindergarten-12 or Special Needs School-aged children in grades Kindergarten-22-years-
1556 old, whether the educational facility is a public or private day or residential educational facility
1557 by the following people who meet either of the following qualifications:

- 1558 A. The head of physical Education, or:
- 1559 B. The school nurse, or:
- 1560 C. The school's general physician or:
- 1561 D. The fire department personnel of the fire department to which the school is
1562 located in by a person designated by the fire chief and that said fire chief must notify the head
1563 school administrator of the educational facility as to who is designated to give instructions to
1564 school-aged children training in first aid.

1565 E. Said fire personnel shall also undergo the additional requirement of being
1566 CORIED and SORIED in all 50 states for criminal records of crimes committed against minor
1567 children under the age of 18-years-old and sexual offenses of minor children under the age of 16
1568 and sexual offenses and crimes committed against persons with developmental disabilities.

1569 Any persons so prescribed herein to administer instruction in first aid shall be prohibited
1570 from living on a residential school campus in any dorms or cottages. Those who are qualified to
1571 give first aid training to school-aged children in grades Kindergarten-12 or special needs school
1572 in grades Kindergarten-22-years-old shall also be prohibited from being house staff in any
1573 residential dorms or cottages or any other areas that have student sleeping quarters in a
1574 residential school.

1575 First aid training of any school-aged children who has not achieved their high school
1576 diploma shall be administered through the use of anatomical manikin dolls or cadabras, which
1577 medical students use to train to become doctors or students who study to become nurses or those
1578 who study to become life guards or medical attendants or orderlies in either a doctor's office or a
1579 hospital.

1580 It shall be the presumed duty of a school-aged child's parent(s) or legal guardian(s)
1581 whether or not the school-aged child is special needs or a regular student to give instruction to
1582 their child or ward in sexual education, via the use of a manikin doll, or cadabras, or paper dolls
1583 or books explaining to the child their private parts of the body and that it shall also be the
1584 presumed duty of the parent(s) or legal guardian(s) of their school-aged children or ward to
1585 inform their child that they have the right to not have their private parts touched and that they do
1586 not have a right to touch the private parts of any other child or staff member in the school setting

1587 without mutual consent of the other person. It shall also be the presumed responsibility of the
1588 child or ward's parent(s) or legal guardian(s) to inform their child or ward that he or she cannot
1589 use any force or trickery of authority to touch someone else's private part or engage in any form
1590 of sexual abusive activities while at school or out in society.

1591 Any parent or legal guardian who fails to adhere to these presumed responsibilities as a
1592 parent or legal guardian shall be presumed both criminally and civilly liable to any victim(s) to
1593 which their child or ward sexually abuses. Such tort liability shall be in the amount of no more
1594 than \$20,000.00. Any parent(s) or legal guardian(s) child or ward who commits a sexual offense
1595 onto another student who is two or more years younger themselves, or commits sexual abuse
1596 onto a staff member, or any other person may be charged as contributing to the delinquency of a
1597 minor and shall face the aforementioned penalties of contributing to the delinquency of a minor
1598 as deemed under applicable state laws. The same aforementioned charge of contributing to the
1599 delinquency of a minor shall also apply to the house staff in the case of a boarding school, in
1600 sexual abuse cases. Said house staff who contribute to the delinquency of a minor via allowing
1601 for any kind of sexually deviant behavior or who does not conform to the code of providing
1602 proper supervision to their students, to which they care for, in a case of sexual abuse shall be
1603 punished by a fine of two-thousand dollars(\$2,000.00) or imprisonment in state prison for no less
1604 than three(3) years or both, said fine or imprisonment and also must be terminated from
1605 employment in a residential school that educates school-aged children in grades Kindergarten-12
1606 or in the case of special needs school-aged children, grades Kindergarten-22-years-old.

1607 This provision shall also be construed to extend this presumption of liability to house
1608 staff, or houseparents or housemasters who work as such in a residential school, where a student
1609 who is 12-years or older and their victim(s) is two or more years younger than the offending

1610 student shall also be held criminally liable as contributing to the delinquency of a minor and shall
1611 also be subjected to tort liability in an amount of no more than \$20,000.00, as it shall be the
1612 presumption that said house staff, house master or houseparent so supervising said residential
1613 students in residential schools that educate school-aged children in grades Kindergarten-12 or
1614 special needs students in grades Kindergarten-22-years-old are acting in place of the parent(s) or
1615 legal guardian(s), while said student is residing at the school, but, said houseparent, or house
1616 staff or housemaster shall also be deemed as not the actual parent(s), or legal guardian(s) or
1617 family members of the students so residing in said residential school that educates school-aged
1618 children in grades Kindergarten-12 or special needs students in grades Kindergarten-22-years-
1619 old. This presumption shall apply to all sexual abuse cases involving minor children who are 12
1620 years of age or older and their victim(s) are two or more years younger or any staff member, to
1621 which a minor student 12-years of age or older who commits unconsensual sexual acts onto
1622 another staff member, by means of force or coercion to engage in sexual activity.

1623 Section 9 Requirements for First Time Enrolled Students Notarized Statement from
1624 Parents or Legal Guardians Regarding Sexual Abuse Training: Notarized Statements Regarding
1625 Sexual Education Taught to School-Aged Children or Special Needs School-Aged Children:
1626 Notarized statement Requirements Each Academic Year for Students Attending Residential
1627 Schools Regarding Sleeping Quarter Entry and Exit Policies and Dorm or Cottage Entry and Exit
1628 Policies: Failure to Meet Signature Requirements

1629 Notwithstanding any law or policy to the contrary, prior to the enrollment of each new
1630 student into a public, or private or residential school, or a charter school or an agriculture school,
1631 upon enrollment of new students attending the aforementioned schools that offer educational
1632 services to school-aged children in grades Kindergarten-12 or in the case of special needs school-

1633 aged children in grades Kindergarten-22-years-old, prior to said student's enrollment into any of
1634 the aforementioned schools, it shall be the affirmative responsibility of either the child's
1635 parent(s) or legal guardian(s) to have signed in the presence of a notary of the public a statement
1636 consenting to the fact that within one month of the child's enrollment, that their son, or daughter
1637 or legal ward will participate in sexual abuse training to be conducted by a police department, by
1638 an officer who has been thoroughly CORIED and SORIED for criminal offenses against children
1639 to instruct first time school age children in sexual abuse prevention at the appropriate age level of
1640 the children so attending said training and that said children so in attendance shall be made fully
1641 aware of the auspices of this act as to what the consequences will be should a student who is 12-
1642 years or older engage in an act of sexual abuse onto another student who is two or more years
1643 younger in physical age or another staff member. Failure to fulfill the signature requirements by
1644 the student's parent(s) or legal guardian(s) or the student, him/herself prior to his/her being
1645 enrolled into a school or a new school for the first time, shall deem said student not to be
1646 officially enrolled until said signature requirements of attendance in sexual abuse training has
1647 been fulfilled. Said signature must be signed within ten (10) days prior to the student being
1648 enrolled into school for the first time or when the student has been enrolled into a new school for
1649 the first time. It shall also be the duty of the parent(s) or legal guardian(s) or the student,
1650 him/herself to also sign in the presence of the aforementioned notary of the public the envelope
1651 to which said signed document is to be mailed in to the head administrator of the school facility
1652 to which the student will be attending. Said mailing envelope shall also be signed by the person
1653 notarizing said signature of the consent to sexual abuse training.

1654 When a newly enrolled student has reached their sixteenth (16'th) birthday prior to his
1655 new enrollment into another school or becomes 16-years-old at the time of said enrollment into a

1656 new school, it shall be the affirmative responsibility of the student to sign in the presence of a
1657 notary of the public a statement consenting to sexual abuse prevention training, provided,
1658 however, said student is not under guardianship due to mental incompetence as deemed by the
1659 family and probate court. In such cases, the affirmative responsibility to sign said consent to
1660 sexual abuse prevention training shall fall to his/her appointed guardian.

1661 In the case where a school-aged child in grades Kindergarten-12 or in the case of a
1662 special needs school-aged child in grades Kindergarten-22-years-old, it shall be the sole
1663 responsibility of his/her parent(s) or legal guardian(s) to sign in the presence of a notary of the
1664 public ten(10) days prior to the start of school, a copy of said residential school's policies with
1665 regards to the entering and the exiting of the sleeping quarters and the entering and exiting of the
1666 whole cottage or dorm for classes or other school related activity. This notarized statement shall
1667 be signed ten (10) days prior to the start of each academic year, said to start no earlier than two
1668 (2) days after the Labor Day holiday and to end no later than the third Friday of June, of each
1669 academic year. Upon said residential student reaching sixteen(16) years-old, it shall be the sole
1670 responsibility of said student to sign in the presence of a notary of the public on an annual bases
1671 and within ten(10) days prior to the start of school, a notarized copy of the residential school's
1672 sleeping quarter's entering and exiting policies and dorm or cottages' entering and exiting
1673 policies, provided, however, said residential student is not under a guardianship appointed by the
1674 family and probate court due to mental incompetence. In the case where such is the case, said
1675 legal guardian shall have the affirmative responsibility to signing in the presence of a notary of
1676 the public said sleeping quarters entering and exiting and dorm or cottages' entering and exiting
1677 policies, during the school day or during school sponsored activities, within ten(10) days prior to
1678 each academic year. Failure of the aforementioned parent(s), or legal guardian(s) or the student,

1679 him/herself when he/she reaches the age of 16 to sign said sleeping quarter and cottage or dorm
1680 entry and exit policies in the presence of a notary of the public shall result in said student being
1681 listed as, “Day Student Status,” until his/her parent(s), or legal guardian(s) or the student,
1682 him/herself, once he/she has reached 16-years-old has fulfilled the aforementioned signature
1683 requirements of the school’s sleeping quarters entering and exiting and dorm or cottage entry and
1684 exiting policies.

1685 Any parent(s), or legal guardian(s) or students age 16-years or older wishing to
1686 participate in school sponsored sexual education classes shall, prior to the beginning of any
1687 sexual educational training, must sign in the presence of a notary of the public a consent form
1688 allowing for said to student to participate in sexual education program so offered by said school
1689 facility. Failure of a parent or legal guardian or the student, him/herself to sign said consent to be
1690 enrolled or participate in school sponsored sexual education training shall be said to ban said
1691 student from participation in such training for one full academic year. In the case where a student
1692 is 16-years or older and has been declared legally mentally incompetent to sign said consent, it
1693 shall be the sole responsibility of the student’s parent(s) or legal guardian(s) to provide said
1694 signed and notarized consent for their child or ward to participate in school sponsored sexual
1695 educational training.

1696 Section 9A Informing of School-Aged children who are 12-years or older of the
1697 Mandated Expulsion Provision for Sexual Abuse Committed onto Another Student 2 or More
1698 Years Younger than the student or Any Staff Member and Consequences of First Disclosure of
1699 Sexual Abuse that Comes Up After Said Student Either Graduates or Leaves his/her Educational
1700 Facility After One Academic Year

1701 It shall be the duty of the head administrator of any school that educates school-aged
1702 children in grades Kindergarten-12 or in the case of special needs school-aged children in grades
1703 Kindergarten-22-years-old to send via a letter to each student's parent(s) or legal guardian(s)
1704 upon the 12'th birthday of each student a statement that any student who commits onto another
1705 student who is two or more years younger than the student who is being sent said letter, or a staff
1706 member an act of sexual abuse that by law, he/she faces automatic mandated expulsion, upon
1707 determination of guilt by preponderance of the evidence by the aforementioned school
1708 disciplinary board as composed in Section 4 of this act.

1709 Also included in this mailing shall also be a statement that if it comes to surface years
1710 later, after said student had either graduated or left said educational facility after attendance for
1711 one full academic year, via confirmed first disclosure by $\frac{3}{4}$ of the people in the mental health
1712 department, the victim who attended the same school as the offender, and then a report is
1713 forwarded onto the head administration that said student's case shall by law be reported to the
1714 Department of Children and Families and that his/her case shall also be forwarded onto either the
1715 school's alumni association's board of directors, provided however that said educational facility
1716 has an alumni association as defined in Section 5 of this act, or in the case where there exists no
1717 alumni association, the case is to be referred to the full school committee, who shall hold a
1718 hearing on the matter within 60 days and that upon the finding of guilt by a preponderance of the
1719 evidence by either the educational facility's alumni association's board of directors or the school
1720 committee in the case where said school has no established alumni association, said former
1721 student shall be banned from coming onto campus and belonging to the school's alumni
1722 association, to which other students who are otherwise in "Good Disciplinary Standing," are
1723 afforded.

1724 Section 10 Right to Self Defense to Supersede any Anti-Bullying Policy, School Policy,
1725 or Ethics When Another Student or Staff Member is in Threat of Grave and Imminent Danger of
1726 Serious Bodily Injury or Death Or Are Being Placed in Grave, Imminent Danger of Bodily
1727 Injury or Death By the Aggressor Who Provoked the Confrontation in the First Place

1728 In such events where either another student or staff member who is a victim of bullying,
1729 or hazing or any act of standalone violent by either a non-special needs school-aged child in
1730 grades Kindergarten-12 or in the case of special needs school-aged children in grades
1731 Kindergarten-22-years-old and whom either the staff member or the student is the primary
1732 aggressor in combat, who places either a another student or staff member in imminent threat of
1733 serious bodily injury or death or who's violent action is forceful that said aggression of either the
1734 aggressive student or staff members violent actions causes serious bodily injury or death to
1735 his/her victim, said victim shall have the right to resort to self defense to protect him/herself from
1736 danger of serious bodily injury or death as deemed necessary under applicable law. Said right to
1737 resort to the use of self defense in incidents where a threat of serious bodily injury or death is
1738 imminent or actual serious bodily injury is said to occur by the aggressive party, when a duty to
1739 retreat such combat becomes unavailable. Said right to the use of self defense in the
1740 aforementioned circumstances shall be said to supersede any anti-bulling policy, or any policy,
1741 or any crisis intervention policy, or any laws against corporal punishment when the
1742 aforementioned occasion of threat of imminent serious bodily injury or death or actual serious
1743 bodily injury or death is to occur. The use of self defense as a means of survival or escaping the
1744 possibility of serious bodily injury shall in no way be deemed to mean the use of corporal
1745 punishment.

1746 Section 10A Corporal Punishment Defined: Consequences of Its Use: Time Outs in
1747 Enclosed Areas of a School; Procedures of Use and Time Limitations

1748 The term “Corporal Punishment shall be defined to mean the following: 1. Paddling of a
1749 child when such paddling is not used as a means of self defense by a teacher or a principal or
1750 another figure of authority for the purpose of escaping the threat to or the actual occurrence of
1751 imminent serious bodily injury or death. 2. Use of force that is provoked by a figure of authority
1752 for their mere convenience. 3. Exposing school-aged children to the elements by a figure of
1753 authority, such as a principal, a director of a school, a teacher, a cafeteria worker, and a house
1754 parent or house master in the case of a residential school. 4. Physical restraint of a school-aged
1755 child when such is not necessary and is only being carried out to satisfy the mere convenience of
1756 a staff member or a figure of authority. 5. Excessive time out periods in an enclosed and isolated
1757 place that is locked so that the school-aged child cannot get out. 6. Exposing a child to the
1758 elements via the undressing of the child and then placing them into an enclosed area with doors
1759 closed and windows opened during inclement weather, or extreme heat, or cold temperatures. 7.
1760 Exposing a school-aged child to the elements outside of the school building or the dorm or
1761 cottage in the case of a residential school without proper attire, conducive to the current weather
1762 conditions at the time said incident of exposure is to have occurred. The sending of a school-
1763 aged child to a time out area fully naked, or with their undergarments exposed shall be deemed to
1764 be a case to be investigated for sexual abuse, or bullying or hazing. Any staff member who uses
1765 any of these forms of corporal punishment hereinafter defined shall face automatic termination
1766 from employment from the school where he/she worked at the time of incident and that such
1767 termination shall be placed on the staff member’s employment record and reported by mandated
1768 reporters to the Department of Children and Families. Such record of the hereinafter incidents of

1769 corporal punishment so defined shall be opened to public inspection and said staff member who
1770 had engaged in the use of corporal punishment shall be said to forfeit his/her right to work in the
1771 education system in any capacity within the Commonwealth of Massachusetts. Any figure of
1772 authority who imposes a time out period on a school-aged child in an enclosed area, whether the
1773 staff be from a public, or private, or agricultural, or a chartered school, or a residential school
1774 must set the time out period to last no more than ten(10) minutes and must be within the vicinity
1775 to where the time out facilities the staff member is using, including, but, not limited to a
1776 student's bedroom, in the case of a residential school and must have in their possession a timing
1777 device to let them know that the time out period is up and then come to inform the student that
1778 said time out period has expired.

1779 Section 11 Summer Camps That Have School-Aged Children Under Age 18 to Be
1780 Deemed Educational Facilities and Under the Same Mandated Reporting Requirements and All
1781 Other Auspices of This Act

1782 Any summer camp or summer program, whether public, private or residential that offer
1783 camping or educational experiences to school-aged children under the age of 18-years-old or
1784 special needs school-aged children under the age of 18-years-old shall for the purposes of this act
1785 be deemed to be an educational facility and thus, its staff shall be bound by the same mandated
1786 reporting requirements for child abuse to the Department of Children and Families. Any youth
1787 summer camps shall also be bound by all auspices of this act.

1788 Section 12 Locking Mechanisms on Classroom Doors, Bedroom Doors, and Video
1789 Surveillance Equipment: Audible Sound Recording Authorized in Student Bedrooms with
1790 Warrant upon Probable Cause of Criminal Activity or an Investigation into Criminal Activity

1791 Notwithstanding any school policy or any special policy, it shall be the duty of a public
1792 or private day school, or a chartered day school or an agricultural school to install locks onto
1793 their classroom doors using gypsum doors and that said locking mechanism must be contained
1794 in the door knobs on the doors, and also shall include on the inside of each door a pop-out spring
1795 lock on said doors that when opened, the lock button on the door knob pops out to allow for easy
1796 access during an emergency or at the end of the class period. All staff using the class room
1797 facilities must have on hand keys to these classrooms at all times and copies of these keys must
1798 be made and given to the chief of the fire department in the town where the school is located.

1799 In public schools, or private day or residential schools, or charter schools or agricultural
1800 schools, or residential schools, that have school-aged children ages 14-years of age or older and
1801 have in both girls or women's rest areas or boy's or men's rest areas, where there are enclosed sit
1802 down stalls, including, but, not limited to handicapped accessible stalls shall have an easy
1803 accessible locking mechanism on its stall doors that can be opened from the inside, either
1804 through an easily sliding latch or a pop-out spring lock inside the door knob itself, so that when
1805 the door knob is turned, the push in lock button pops out so that the student or staff members can
1806 enter and exit easily and so that when the stall door is locked, this shall indicate that the stall is
1807 being occupied by another person. In the case where a disabled person may need help from staff
1808 or a PCA, the PCA, at the permission of the disabled person shall be allowed to enter the stall
1809 with them and said PCA shall have the ability to lock the door when both the disabled person and
1810 the PCA are in the handicapped stall so being occupied at the time, by, said disabled person and
1811 their PCA. The PCA or the disabled person, or both, shall have easy access to the knob on the
1812 stall door with the spring locking mechanism that pops out the lock button when the occupants of
1813 the stall are finished. This shall also apply whether or not the enclosed sit down stall has a sink

1814 for washing hands or other body parts or not. The defense of the educational facility being
1815 deemed as a special needs educational facility shall be barred as a defense to non-compliance
1816 with section 12 of this act.

1817 All common areas of a public, or private, or charter, or an agricultural school shall have
1818 its common areas equipped with updated video surveillance equipment that is viewable to the
1819 school's security office and also to that of law enforcement.

1820 In the case, where a school that educates school-aged children in grades Kindergarten-12
1821 or in the case of special needs school-aged children in grades Kindergarten-22 years-old, said
1822 residential school shall follow the same section 12 requirements under this act, and in addition,
1823 must also have adequate updated video surveillance equipment placed in all dorms or cottages
1824 and such video surveillance equipment must be placed in the common areas of the sleeping
1825 quarters and the common areas of the dorms or cottages said school has on its premises.

1826 In cottages or dorms where there are housed school-aged children who are age 10 years
1827 or older, all bedroom doors, except the two "sick" areas of each dorm or cottage, which the
1828 school must designate, shall be equipped with the same gypsum doors and have the same spring
1829 locking mechanism contained in the knob of the door to allow for easy exits of the students so
1830 occupying those bedrooms in the event of an emergency.

1831 There shall be no locks placed on the two designated "sick" rooms as designated by the
1832 residential school and that said residential school must post signage on the designated bedrooms
1833 as "sick" rooms, which may only be entered by medical personnel, or the town's police
1834 department, or thoroughly CORIED and SORIED staff members in all 50 states, or ambulance
1835 crews, or the sick child's parent(s) or legal guardian(s) or any other family member 18 years of

1836 age or older designated by the child's parent(s) or legal guardian(s) to remove and transport
1837 home, said sick child. At least one "sick" room must be designated on the first floor to
1838 accommodate mobility challenged school-aged children who use crutches, or power chairs,
1839 power scooters or wheelchairs.

1840 Any other bedrooms that are not otherwise designated as "sick" rooms must in addition to
1841 having locks on the doors, contain on the bedroom door, the name(s) of the students who have
1842 been assigned to occupy said bedroom during the academic year. All staff members of the dorms
1843 or cottages that have students residing in them that are age 10 years or older must have made and
1844 on hand copies of the keys to the bedroom doors and that said keys must remain in their
1845 possession at all times. Copies of the keys to the bedroom doors must also be made to be given to
1846 the chief of fire in the town or city where the school is located and also to the local police chief
1847 of the town or city where the school is located.

1848 School-aged children who are 16 years or older and who are shown to be responsible to
1849 handle their own bedroom shall be entitled to a key to his/her bedroom, so long there is no other
1850 occupant in the same bedroom who is A under 16-years-old and B Who has been shown to not
1851 be capable of being responsible for the care of the bedroom, which the two or more students
1852 occupy.

1853 All enclosed bathroom stalls in all of the dorms or cottages of a residential school,
1854 including, but, not limited to handicapped accessible enclosed stalls must also have a locking
1855 mechanism placed on the doorway to the enclosed stall that can be easily opened by the occupant
1856 of the bathroom stall in the event of an emergency. This provision shall apply to cottages or
1857 dorms that house residential students ages 10 or above. Upon the locking of the enclosed

1858 lavatory stall by the occupant at the time it is in use, this gesture shall indicate to any other
1859 student using the same bathroom facilities that the enclosed stall is in use and is being occupied
1860 at the time, and that any other occupant needing to use the lavatory stall must knock on the door
1861 and receive an answer that the stall is occupied. In the case of a blind or deaf/blind or a student
1862 with developmental and communication challenges, they shall have one free pull on the door to
1863 indicate that the door to the lavatory stall is either in use or not. If the aforementioned
1864 developmentally, or blind, or deaf/blind or communication disabled student pulls the door and
1865 finds that he/she cannot open the lavatory stall, said lavatory stall shall be presumed to be
1866 “occupied,” by another student or person and that said challenged student must go to his/her care
1867 staff, who shall in turn, depending on the urgency of the challenged student needing a lavatory,
1868 allow for the challenged student to use their designated lavatory, so long as both the student and
1869 the caretaker is of the same gender.

1870 In the case of a day special needs school or a regular day or private public school, there
1871 shall be designated a unisex lavatory and bathroom located on the first floor of each classroom
1872 building. Said unisex bathroom facilities shall be equipped with a sink and enclosed lavatory
1873 stalls with a locking door on each stall.

1874 Upon probable cause that criminal activity has been committed on residential school
1875 premises, law enforcement upon criminal complaint must go to a court of law to obtain a warrant
1876 to have installed in the sleeping quarters a voice surveillance device for the sole purposes of
1877 conducting an investigation into alleged criminal activity or collecting any evidence in
1878 connection with any alleged criminal activity. Said warrant shall state the nature of the crime(s)
1879 being investigated in a criminal complaint and the sleeping quarters of the individual(s) being
1880 investigated for criminal activity.

1881 Section 13 Age and Educational Requirements of House Staff or Houseparents Hired and
1882 Working in Residential Schools: Salary Requirements: Administration Required to Have Open
1883 Door Policies to Discuss Working Environment of House staff or House Parents or Salary
1884 Negotiations of House staff or Houseparents: Prerequisite Trainings and Re-Certification in
1885 Basic First Aid, Cardio Pulmonary Resuscitation and Crisis Prevention Intervention: House Staff
1886 and Chaperones of School-Sponsored Activities No Familial Relationship to Students: No
1887 Familial Relationships with Students Hired House Staff or Houseparents: Open Door Policies of
1888 School CEO's, Directors and Chairpersons of Residential School Board of Trustees Regarding
1889 Safety Issues and Concerns of Sexual Abuse, Extended to Parent(s), or Legal Guardian(s) and
1890 Family Members 18 Years or Older Designated by Parent(s) or Legal Guardian(s) on Enrollment
1891 Forms Each Academic Year.

1892 Notwithstanding any policy, or law or any job description of positions of house staff or
1893 houseparents to potentially be employed in a residential school that educates school-aged
1894 children in grades Kindergarten-12 or in the case of special needs school-aged children in grades
1895 Kindergarten-22-years-old, the following age and educational requirements shall be promulgated
1896 by law to have the aforementioned qualifications and salaries to be paid to house staff or
1897 houseparents so hired to work in a residential school that educates school-aged children:

1898 A. Said newly hired adult who is hired to be a house staff or houseparent must be 21
1899 years of age or older, and must also had obtained their bachelor's degree and must also be
1900 enrolled in a master's degree program leading to a career in childhood education, or special
1901 education, or physical education or a profession in human services.

1902 B. Must pass a Criminal Offender Record Inquiry and a Sexual Offender Record
1903 Inquiry in all fifty (50) states.

1904 C. Must had not been convicted of a felony offense involving a minor child or a
1905 sexual offense involving a minor child or both, said felony or sexual offense onto another minor
1906 child prior to hire. Any person promoted to senior house staff or houseparent shall be of the age
1907 of 25-years or older and has been properly trained in Crisis Prevention Intervention, Cardio
1908 Pulmonary Resuscitation and basic first aid and shall not be offering any such training in such to
1909 other students living in their dorm or cottage to which they are a senior house staff or
1910 houseparent.

1911 D. No staff member working as house staff or houseparents shall be involved in the
1912 training of basic first aid or Crisis Prevention Intervention to any of the school-aged children so
1913 living in the cottage or dorm to which they supervise.

1914 E. All newly hired staff members who are hired to work in a cottage or dorm of a
1915 residential school must be trained and certified in basic first aid, cardio-pulmonary resuscitation
1916 and Crisis Prevention Intervention and also must be informed of the right to resort to the use of
1917 self defense should they be in imminent threat of serious bodily injury or death or are placed in
1918 danger of serious bodily injury or death and that said use of self defense for their survival or
1919 personal safety shall not be deemed as corporal punishment.

1920 F. No hired house staff, or houseparent or in the case of an overnight school-
1921 sponsored activity sponsored by any school, whether public, or private, day or residential school,
1922 or charter school or agricultural school, that lasts more than twelve (12) hours in duration,
1923 chaperone staff or volunteer chaperones, shall not be related as a relative, or married to or a

1924 parent or legal guardian of any school-aged children, who are residents of a residential school or
1925 who are in attendance of a school sponsored activity that lasts twelve (12) hours or more in
1926 duration, whether or not said school sponsored activity is to occur during the academic week, or
1927 the weekend, or over school breaks, including, but, not limited to summer vacation.

1928 G. All house staff or houseparent employed by a residential school shall be
1929 recertified in basic first aid, cardio pulmonary resuscitation and crisis prevention intervention
1930 two weeks prior to the start of each academic year. At the end of the recertification, all staff
1931 member shall be reminded of their rights under law to the use of self defense in cases where they
1932 are in imminent threat of serious bodily injury or death or are in danger of serious bodily injury
1933 or death.

1934 H. Any chaperone or volunteer chaperones involved to supervise school sponsored
1935 activities, whether on or off school premises must be trained and certified in basic first aid,
1936 cardio pulmonary resuscitation and crisis prevention intervention two weeks prior to when the
1937 school-sponsored activity lasting twelve (12) hours more in duration. All chaperones
1938 participating in the supervision of school-sponsored events lasting twelve (12) hours or more in
1939 duration shall also be advised by the head school administrator of the rights under law to the use
1940 of self defense when in imminent threat of serious bodily injury, or death or are in imminent
1941 danger of serious bodily injury or death.

1942 It shall be the duty of the residential school to pay house staff or houseparents a salary
1943 that is commensurate with their educational background and experience level. It shall also be the
1944 duty of the residential school to provide health insurance and legal liability benefits regardless of

1945 whether or not the house staff or houseparent has worked at the school for a period of one (1)
1946 year or is a newly hired house staff member or a houseparent.

1947 It shall be the affirmative responsibility of the CEO, or the director and the chairperson of
1948 a residential school's board of trustees that educates school-aged children in grades
1949 Kindergarten-12 or in the case of special needs school-aged children in grades Kindergarten-22-
1950 years-old to maintain an open door policy for house staff, or houseparents, or teachers, or
1951 families of the students attending said residential school to discuss working conditions, in the
1952 case of the staff, salary negotiations in the case of the staff, and safety concerns or cases of
1953 sexual abuse between minors and staff, or child on child sexual abuse, or lack of supervision
1954 issues by house staff or houseparents, with students and parent(s) or legal guardian(s) of the
1955 school-aged child or any other family member 18-years of age or older, who is designated by
1956 said parent(s) or legal guardian(s) of the school-aged child. Said appointed family member must
1957 also have their name and relationship to the school-aged child placed on the enrollment forms
1958 and on the student's school records each academic year the student is in attendance and that said
1959 family member so appointed by a student's parent(s) or legal guardian(s) have the right to be
1960 present during said discussions with top administrators hereinafter mentioned in the absence of
1961 the parent(s) or legal guardian(s) or have the right to be present with said parent(s) or legal
1962 guardian(s). Said concerns of lack of supervision, or corporal punishment or child on child
1963 sexual abuse, or student on staff sexual abuse shall be placed on record and said school
1964 administrators must report the aforementioned matters to the Department of Children and
1965 Families in the time frame and manner as prescribed by applicable state laws.

1966 Section 14 School Sponsored Activities Lasting Twelve (12) Hours or More In Duration:
1967 Approval to Be Sought By Head Administrator of the Schools, Whether or Not the Educational

1968 Facility is a Public, or Private Day or Residential School and Also the Massachusetts Department
1969 of Education and the Department of Children and Families: Request of Approval Documentation
1970 Requirements: School Sponsored Activities on Academic Nights Running Past 11:00 PM
1971 Presumption As If Lasting 12 Hours or More in Duration: School Sponsored Activities Running
1972 Past 12:00 AM on Non-Academic Nights Presumption As If Running 12 or More in Duration:
1973 School Sponsored Activities Being Held in the Homes of Teachers, Staff Members or
1974 Houseparents or Housemasters Prohibited

1975 Any activity, whether educational or extracurricular that is being sponsored by a public,
1976 or private day or residential school, or agricultural school, or a vocational school, or a day or
1977 residential special needs educational facility, that is planned to last at least twelve (12) hours or
1978 more in duration, including, but, not limited to overnight activities that take place whether such
1979 occurs on or off school premises, at another facility within or without the Commonwealth of
1980 Massachusetts must be well planned in advanced and must be approved by the head
1981 administration of the educational facility, and the Massachusetts Department of Education and
1982 the Department of Children and Families. Upon request for approval of said educational or
1983 extracurricular activities so planned to last twelve (12) hours or more in duration, including, but,
1984 not limited to overnight activities, whether they occur on or off of school premises within or
1985 without the Commonwealth of Massachusetts must include, said request for approval must be
1986 made in writing by the department of the school facility wishing to host said school event and in
1987 said written request shall include:

1988 A. The nature of the activity which is planned to last twelve (12) hours or more in
1989 duration, including, but, not limited to overnight stays.

- 1990 B. The location of the activity to be sponsored
- 1991 C. Number of participants projected to attend, followed by age range of said
1992 participants
- 1993 D. A plan of supervision by chaperones and staff
- 1994 E. Emergency plans in case of fire or medical emergency
- 1995 F. The name of a designated trained person who is in attendance as a supervisor who
1996 is certified to render basic first aid, Cardio Pulmonary Resuscitation and Crisis Prevention
1997 Intervention, followed by a signed statement by this designated staff member so designated to
1998 render such aid that states, that they are only able to render said basic first aid, or Cardio
1999 Pulmonary Resuscitation, or Crisis Prevention Intervention or all of the aforementioned and that
2000 they are in no way designated to train any attendees of said activities in the aforementioned basis
2001 first aid, or Cardio Pulmonary Resuscitation, or Crisis Prevention Intervention or all of the
2002 aforementioned.
- 2003 G. The job title of the school department personnel who is planning on sponsoring or
2004 hosting a school related activity lasting in duration of twelve (12) hours or more, including, but,
2005 not limited to overnight school sponsored activities.
- 2006 H. A statement signed by all paid and volunteer supervising staff, or chaperones, or
2007 both, supervising staff and chaperones that they are not related as relatives, or dating partners, or
2008 spouse or parent or legal guardian to any of the student participants so participating in activities
2009 lasting in duration of twelve (12) hours or more, including, but, not limited to overnight school
2010 sponsored activities, which take place on or off of the school premises.

2011 I. Promulgated policies signed by both the student attendees and the staff, against
2012 child on child sexual abuse, and hazing and violent activities, whether or not such activities
2013 occur as part of a hazing or bullying incident or a standalone incident. For the purposes of this
2014 act notwithstanding any special policy, guidelines, or laws the following words shall have the
2015 following definitions:

2016 J. Academic Nights shall be deemed to be nights that run from Sunday Night
2017 through Thursday Night of each academic year, to which school is in session

2018 K. Non-Academic nights shall be deemed to run from Friday night through Saturday
2019 Night, or a Sunday Night, in the case where a Monday holiday is observed or in the case where
2020 school is in recess during the school year.

2021 Notwithstanding any law, or policy or guidelines hereinafter set forth, any extracurricular
2022 activity or any school sponsored event that runs after 11:00 PM on the nights starting with
2023 Sunday night through Thursday night of an academic week shall be presumed to be scheduled as
2024 if such has lasted twelve (12) hours or more in duration and shall be subjected to the same
2025 approval requirements of any school sponsored or extracurricular activities as set forth in this
2026 section. Any school sponsored or extracurricular activity that runs on Friday Night or Saturday
2027 night, or Sunday night in the case where a Monday holiday is observed or which occurs during
2028 school recess except for summer vacation period that runs until 12:00 AM shall be presumed to
2029 last as if the activity was scheduled to last twelve (12) hours or more in duration and must also
2030 be subjected to the same approval requirements as hereinafter set forth in this section.

2031 In all cases extracurricular activities or school sponsored activities shall be prohibited
2032 from taking place on the home premises of any teacher, school staff member, or employee, or

2033 administrator, or any houseparent or housemaster, in the case of residential schools that educate
2034 school-aged children in grades Kindergarten-12 or in the case of special needs school-aged
2035 children in grades Kindergarten-22-years-old. this provision shall also take the same effect on
2036 public day or private day educational facilities that educate school-aged children in grades
2037 Kindergarten-12 or in the case of special needs school-aged children, in grades Kindergarten-22-
2038 years-old.

2039 In the event of an emergency during any type of school sponsored event, whether or not
2040 they last twelve (12) hours or more in duration, the coordinator shall have on his/her roster of
2041 attendees the emergency contact information of the students participating, the emergency contact
2042 information of any of the supervisory staff and or chaperones and also the on call contact phone
2043 number of the head school administrator.

2044 Section 15 Announced and Unannounced Visits to Educational Facilities By Parents and
2045 Other Family Members: Schools Effected: Names of Visitors Allowed to Visit Student on File
2046 With School Administration On Enrollment Roster: Other Family Members visiting Student
2047 Must Be 18-Years of Age or Older and Have No Criminal Records of Felonies Against Children
2048 and No Convictions or License Suspensions or Revocations for Impaired Driving As Defined
2049 Under Applicable Massachusetts Laws

2050 Notwithstanding any special policy or guidelines of any educational facility that educates
2051 school-aged children in grades Kindergarten-12 or in the case of special needs school-aged
2052 children in grades Kindergarten-22-years-old, a school-aged child's parent(s) or legal
2053 guardian(s), or a sibling or another relative who is related to the child either by blood, through
2054 marriage into the family or by adoption who is 18 years of age or older and who has not been

2055 convicted of a felony crime against a minor child or a sexual offense against a minor and who
2056 has not been convicted of an offense of driving while under the influence of alcohol or any other
2057 kind of mind altering substance or any other substance that would impair their ability to drive a
2058 motor vehicle.

2059 Any other family member 18 years of age or older who is permitted to visit the child at
2060 their school, whether announced or unannounced must be placed by the master enrollment roster
2061 of record with the head administrator of the educational facility and that such appointed relatives
2062 who have permission to visit the child at his/her school shall at least once an academic year
2063 undergo a CORI and a SORI background check by the school. Each appointed family member 18
2064 years of age or older must also undergo a registry of motor vehicles background check to check
2065 driving records regarding offenses related to impaired operation of a motor vehicle, including,
2066 but, not limited to driving while under the influence of alcohol, or other mind altering substance
2067 or any other actions that impaired driving to which a driver's license was suspended for or
2068 revoked for.

2069 In the case of an unannounced visit, which occurs at a residential school that educates
2070 children in grades Kindergarten-12 or in the case of special needs school-aged children, in grades
2071 Kindergarten-22-years-old, the child's parent(s) or legal guardian(s) shall have a right to appoint
2072 two school staff members or teachers who is not a school administrator, but, can be the head of
2073 houseparents or house staff of the whole school to be apprised of the unannounced visit and who
2074 will be making said unannounced visits to the child of the parent(s) or legal guardian(s). said
2075 appointed staff upon contact of the informed unannounced visitor who is a relative of the child,
2076 who is not the parent(s) or legal guardian(s), at least one of the appointed staff members or
2077 teachers, or supervisor of houseparents or house staff must accompany the relative to the cottage

2078 or dorm to which the visit is to commence. No staff who is appointed to be apprised of
2079 unannounced visits by familial visitors other than the child's parent(s) or legal guardian(s) must
2080 not be employed in the cottage or dorm to which the child is residing in.

2081 In the case of a public day or private day school where unannounced visits are made, the
2082 parent(s) or legal guardian(s) of the child shall direct the relative 18 years or older, so visiting
2083 their child, under permission thereof, to go to the school's security office and sign in at the
2084 school security, who shall in turn inform the principal and the school teachers of the child that a
2085 visitor is there to see the child, so being visited.

2086 Section 16 Announced and Unannounced Visits By Parent(s), or Legal Guardian(s) or
2087 Family Members 18 Years or Older In Residential Schools That Educate School-Aged Children
2088 in Grades Kindergarten-12 or in the Case of Special Needs School-Aged Children in Grades
2089 Kindergarten-22-Years-Old: Procedures to Be Followed By Dorm or Cottage Staff on Duty at
2090 Time of Visit: Logs: Entry Requirements into Visitor's Logs: Logs to Be Placed in Conspicuous
2091 Area of Cottage or Dorm: Logs to Be Three-Ring Bind Books: Labeling of Logs: Family Visitor
2092 Log: Student Sign Out Logs

2093 Notwithstanding any special policy, law or guideline of any residential educational
2094 facility that educates school-aged children in grades Kindergarten-12 or in the case of special
2095 needs school-aged children in grades Kindergarten-22-years-old, the parent(s) or legal
2096 guardian(s) or family member 18 years of age or older who has been CORIED and SORIED for
2097 felony, or sexual offenses or both against minors and who show no convictions thereof, shall by
2098 permission of the child's parent(s) or legal guardian(s) of a school-aged child under the age of 18
2099 have the right to visit the child in the cottage to which they reside in whether the visit is

2100 announced or unannounced, regardless of any disciplinary matters pending against the child or
2101 any disciplinary action being carried out against the child being visited by said parent(s), or legal
2102 guardian(s), or by designated family member(s) appointed by said child's parent(s) or legal
2103 guardian(s). Any staff member who by reason of disciplinary reason disrupts said visits, whether
2104 announced or unannounced shall contact the child's parent(s) or legal guardian(s) via telephone
2105 and explain the reason for disrupting the visits. It shall be the discretion of the child's parent(s)
2106 or legal guardian(s) as to whether or not the visit shall be postponed or not. Within two(2)
2107 academic days, the reasoning for the disruption of the visit shall be placed into writing along
2108 with the notes taken by said staff member on duty as to the conversation with the child's
2109 parent(s) or legal guardian(s) along with the decision regarding the visit being allowed to
2110 continue or not, by the child's parent(s) or legal guardian(s) logged into the staff log and that
2111 such written information shall be handed to the head housemaster or head houseparent in
2112 seniority and also the school administrator running the program to which the cottage or dorm that
2113 is being operated at the time such visit and disruption of said visit had occurred. Failure of a
2114 house staff to follow the aforementioned procedures shall face mandated suspension from their
2115 duty for a period of five (5) business days without pay or compensation and that such suspension
2116 shall be said to take effect within the following business week corresponding the failure to
2117 follow the guidelines as set forth, provided, however, that the following business week does not
2118 fall on the week of a school break or during summer vacation. In situations where the following
2119 business week falls during a school recess or summer vacation, said five (5) business day unpaid
2120 suspension shall be said to be served on the first business week that school is back in session
2121 from school recess or summer vacation.

2122 Each dorm or cottage shall have log forms contained in loose-leaf three ring binders with
2123 labeling on the log books. Each cottage shall have two log books labeled conspicuously and
2124 placed in a conspicuous location on a table in the cottage or dorm’s main hallway, on its first
2125 floor. One log shall be labeled “Family Visitor Log Book,” and the other log labeled “Student
2126 Log,” to indicate when a student age 16 years or older has left campus on their own and when
2127 they are expected to return, in the case where the student leaves campus unaccompanied by
2128 his/her parent(s), or legal guardian(s) or other relatives 18 years of age or older. The staff
2129 member on duty at the time of student entry shall be present to sign underneath the name of the
2130 student’s name, their name. Absent the signature of a staff member underneath that of the student
2131 in the student sign out log, shall be said to presume the staff member (s) on duty in the cottage or
2132 dorm at the time of the sign out, in the student log, to not be in good faith of their supervisory
2133 duties of said students in the residential setting to which the student so resides.

2134 Notwithstanding any special policy, or special law or any other policy of a residential
2135 cottage or dorm to which school-aged children in grades Kindergarten-12 or in the case of
2136 special needs school-aged children in grades Kindergarten-22-years-old, whether or not a visit
2137 from the child’s parent(s), or legal guardian(s) or any other family member in relation to the
2138 child and who is 18-years or older and who has been appointed by the parent(s) or legal
2139 guardian(s) of the child makes any announced or unannounced visit to the child to whom they
2140 are visiting, said parent(s) or legal guardian(s) or any other family member appointed hereinafter
2141 by said child’s parent(s) or legal guardian(s) to visit said child shall place into the family visitor
2142 log, the name of the student being visited, the family member’s name, the relationship to the
2143 child and whether the visit is announced or unannounced to the dorm or cottage to which the
2144 child resides. Said family member visitor shall have the right to place into said log entry any

2145 comments made as to the reason for the visit, what will be taking place during the visit, whether
2146 or not the visit will take place on or off campus or any comments about the conditions of the
2147 cottage or dorm, or the staff on duty in said cottage or dorm and any behaviors observed between
2148 staff and students or towards other students, whether or not said behavior is of a violent or non-
2149 violent nature and that occurs within plain view, followed by the signature of the child's family
2150 member so making such visit, and that of any of the staff members of said cottage or dorm who
2151 happens to be on duty at the time, and the signature of any school employee who is not in
2152 employment or affiliation to the cottage or dorm to which the child so being visited resides. Said
2153 impartial employees so appointed by the child's parent(s) or legal guardian(s) to monitor
2154 parent(s), or legal guardian(s) or family member visits by family members 18 years of age or
2155 older shall at the beginning of each academic year furnish their contact information as to where
2156 they can be reached to the child's parent(s) or legal guardian(s). At the time of visitation by other
2157 family members 18 years or older, so appointed by said child's parent(s) or legal guardian(s), to
2158 visit child whether announced or unannounced shall also be given contact information as to
2159 where the impartial staff member monitoring the family member visitor log's signing to the
2160 family member to whom is visiting the child, in the case that while a visit, whether on or off
2161 campus results in an emergency that first brings to disclosure any incidents of campus rape, or
2162 sexual assault, or student on student violence, or any staff on student abuse, whether physical or
2163 emotional, or staff on student sexual abuse or rape. Said appointed and impartial staff member
2164 upon appraisal of the child's parent(s) or legal guardian(s) or other family member 18 years of
2165 age or older so visiting the child, that said visited child has disclosed to them in confidence, said
2166 duty of the appointed impartial staff member so monitoring said log entry of said family visit
2167 shall report said first disclosure of any campus rape, or sexual abuse, or student on student

2168 violence, or staff on student rape, or sexual abuse, or physical or emotional abuse to the student
2169 so being visited to the head school administrator who shall in turn make reports according to
2170 applicable mandated reporting of abuse on children laws to the Department of Children and
2171 Families in a timely manner as prescribed under said mandated reporter of abuse laws applicable
2172 within the Commonwealth of Massachusetts.

2173 In the case where a sexual assault or rape is disclosed to the child’s parent(s), or legal
2174 guardian(s) or the child’s visiting relative and that such rape or sexual abuse had occurred within
2175 one (1) day or the day of the visit, said appointed staff member shall apprise the child’s visiting
2176 parent(s), or legal guardian(s) or visiting family member 18 years or older, not to have the child
2177 take a shower that night and that said appraisal shall be written in notes to be amended as a lean
2178 on entry into the family member visitor’s log when said visit has concluded. Failure of said staff
2179 member to follow the mandated reporting requirements shall be automatically terminated from
2180 employment at said school and shall be barred from any further employment in an educational
2181 institution, which educates school-aged children in grades Kindergarten-12 or in the case of
2182 special needs school-aged children, grades Kindergarten-22-years-old and shall face prosecution
2183 for obstruction of justice under applicable state laws. Any staff member or security personnel
2184 who advises a child’s parent(s), or legal guardian(s) or visiting family member of a child rape or
2185 sexual abuse victim, whether or not the rape or sexual abuse occurred between staff and student
2186 or child on child, to, “Take a Shower,” when said incident of rape or sexual abuse has been
2187 apprised of immediately after it happened shall be prosecuted for Tampering with evidence and
2188 hindering the prosecution of said manner and such conduct of said staff member shall be
2189 punishable by imprisonment in a state prison for no less than five (5) years and a fine of no less

2190 than ten-thousand dollars, (\$10,000.00), but no more than twenty-thousand dollars (\$20,000.00)
2191 or both, said imprisonment or fine.

2192 In the case where an unannounced visit by said child's parent(s), or legal guardian(s) or
2193 any family member 18 years of age or older so appointed to visit said child in his/her cottage or
2194 dorm, only the impartial staff member so defined by this act shall be apprised of said
2195 unannounced visit and said impartial appointed staff member shall accompany said visitor to the
2196 child and must remain there until the family visitor log has been signed and attested to by either a
2197 house staff or houseparent on duty at the time of the visit or another student, who is not on duty
2198 and who is 14 years of age or older to attest to said family visitor log entry. Any family visitor
2199 log entry attested to by either a student 14 years of age or older or by another staff member who
2200 is not on duty at the time of said unannounced visits shall presume the staff members officially
2201 on shift according to their time sheets or roster at said cottage or dorm at said time of
2202 unannounced visits to said child shall be presumed to not be carrying out their supervisory duty
2203 in good faith and shall be subjected to the same suspension and expulsion terms as deemed under
2204 this act.

2205 In the case where at the time of any announced or unannounced visit to the child so being
2206 visited, any student who is not designated as staff on duty and who is age 14 or older, who signs
2207 said visitor log underneath the family visitor shall be deemed witness to such visit taking place
2208 and that the signature of any student 14 years of age or older who signs thereof, shall be said to
2209 presume staff on duty in said cottage or dorm at the time said visit has occurred, to not be
2210 carrying out his/her supervisory authority to the cottage or dorm to which said staff member
2211 works.

2212 At the end of the family visitor’s log the following statement shall appear in all upper
2213 case letters surrounded by three red asterisk, NOT TO BE REDACTED BY ANY STAFF
2214 MEMBER OR SCHOOL ADMINISTRATOR. Absentee the signature of any of the staff
2215 members on duty below the three red asterisk followed by the words, “NOT TO BE
2216 REDACTED BY ANY STAFF OR SCHOOL ADMINISTRATOR,” said family visitor, the
2217 student witness and the staff member appointed by said child’s parent(s) or legal guardian(s),
2218 who are not affiliated in employment or by any other means with the cottage or dorm to which
2219 the child resides at said residential school, and who knows the family members who will be
2220 visiting said child during each academic year, shall beneath the red asterisk on each line, draw
2221 three big letter x’s to indicate that there are no more blank spaces in said log entry, followed by
2222 their initials on each side of the three letter x’s and then below the drawing on each line of the
2223 three big x’s and their signed initials outside the margins of the three x’s on each side, the family
2224 member, the witnessing student and the staff member appointed by said parent(s) or legal
2225 guardian(s) that are not affiliated in employment at said child’s cottage or dorm, and who knows
2226 at the beginning of each academic year the family members permitted to visit the child of the
2227 parent(s) or the legal guardian(s) of the child, shall once again place their signatures to attest to
2228 the fact that the family visitor log of the child being visited has no more blanks on that page or
2229 pages of that log entry of the student so being visited.

2230 In the case where said witnessing student age 14 years or older is disabled, via visual
2231 impairment or print reading challenge, said family member in the presence of the other
2232 witnessing staff member who knows about said family member visitation of said child, said
2233 family member may verbally describe to said disabled student the information being placed into

2234 said family visitor log and may at the direction of the witnessing student, assist him/her in
2235 placing said signatures or initials.

2236 Upon completion of the filling out of the family visitor log, signed absentee an on duty
2237 staff member so assigned to the cottage or dorm to which the child so resides during the school
2238 year, said appointed staff member in the presence of the visiting family member and the
2239 witnessing student or staff member (s) on duty if present at the time of said visit shall open the
2240 lose-leaf binders of the book it is contained in and remove the page or pages of the log entry and
2241 place the filled log entries into a long envelope that has a clip and he/she must seal said envelope
2242 containing said log entry and said sealed envelope must be signed below where it has been
2243 sealed, by the family member visitor, the witnessing student or staff member (s) on duty at the
2244 time of said visit and the staff member so appointed by said child's parent(s) or legal guardian(s)
2245 who knows the names of the family member who will be visiting the child throughout the
2246 academic year. Upon signature of said envelope containing the log entry, said envelope shall
2247 than be handed off to the principal of the school or the head principal of the educational program
2248 to which the cottage or dorm is run under.

2249 Any staff member so employed by said cottage and who is on duty at the time of said
2250 family visit who shows up at the time the log has been already filled in and signed, and who tells
2251 the witnessing student to the signing of the family visitor log, that they had been nosey or will
2252 face consequences for being said witness to said signing of said log absentee said staff member
2253 on duty at the initial signing of the family visitor log shall be informed that:

2254 A. The visitor log has already been signed and attested to.

2255 B. The log entry to which you were absentee to is deemed a “leaned on,” log entry to
2256 be defined as subject to investigation and overnight audit to take place within 24 hours of the log
2257 signing of the goings on in said dorm to which the announced or unannounced visit has just
2258 occurred

2259 C. That the disciplinary action of a student for bearing witness to the family visitor
2260 log to which the staff member on duty was supposed to be present at said signing in the first
2261 place may be prosecuted for intimidating a witness should he/she send the witnessing student
2262 away to another area of said dorm or cottage to which said family visitor log is to be the subject
2263 of investigation of the school administration thereof, and

2264 D. The penalties for failing to carry out the supervisory duties of the cottage or dorm,
2265 while you were on duty shall be as followed: 1. First offense five business day’s suspension
2266 without pay from employment. 2. Second offense ten business day’s suspension without pay
2267 from employment, and 3. Third offense, permanent termination of employment from said
2268 residential school to which the staff member working the dorm or cottage has engaged in the lack
2269 of supervision of the students thereof. Said appraisal to said absentee on duty staff member (s)
2270 shall be made orally by said staff member who is appointed by said parent(s) or legal guardian(s)
2271 of the minor child so being visited by said family member, the family member and the
2272 witnessing student to the log entry.

2273 Section 17 Disclosure of Any Incidents of Student on Student Violence, or Staff on
2274 Student Violence, or Child on Child Sexual Abuse or Staff on Student Sexual Abuse During
2275 Family Member Visits: Custody of School-Aged Child Pending School Administration/Parent(s)
2276 or Legal Guardian(s) Conference and Disciplinary Action Against Child on Child Physical

2277 Abuser or Sexual Abuser: Notice of Suspension Interim of Sexual Abuser to Said Family
2278 member Appointed to Be Visiting with the Child and the Child Victim's Parent(s) or Legal
2279 Guardian(s) or No Contact Order Against Student Physical Abuser: Procedures: Custody of
2280 Child to Appointed Family Members During School Week Upon Disclosure of Staff on Student
2281 abuser, Committed by School Employee or Sexual Abuse Committed By School Employee:
2282 Suspension of Employment Interim Formal Disciplinary Hearing Before School Disciplinary
2283 Board: Notice of Removal Interim of Staff Employee Alleged to had Engaged in Physical or
2284 Sexual Abuse Upon the Child, to the Family Member and Parent(s) or Legal Guardian(s) Caring
2285 for the Child Interim Commencement of Disciplinary Procedures to Be Taken Against Said Staff
2286 Member So Employed: Procedures

2287 Upon visitation between a school-aged child in grades Kindergarten-12 or in the case of
2288 Special Needs school-aged children in grades Kindergarten-22-years-old and their parent(s) or
2289 legal guardian(s) or any family member 18 years of age or older, so designated by said child's
2290 parent(s) or legal guardian(s) to have contact with their child, should it be disclosed during said
2291 visits whether or not said visit occurred on campus or off campus, that said child has been
2292 violently abused by another student, or staff member of the school, or sexually abused by another
2293 student, who is 12 years or older and who the victim of the sexual offense was two or more years
2294 younger than the offending student, or violent abuse between a staff member and the student so
2295 being visited or any sexual abuse perpetrated by said staff member by the student so being
2296 visited, said visiting child's parent(s) or legal guardian(s) or said family member shall have the
2297 right to remove said student victim so being visited from campus over-night and that said staff
2298 member who is in knowledge of the family members who are allowed to visit said child shall be
2299 contacted and that he/she shall be informed that said student has been removed from campus

2300 over-night following disclosure to such abuse having occurred. Upon return of the student and
2301 either the visiting parent(s) or legal guardian(s) or other designated family member age 18 years
2302 or older, said staff member so appointed by the child's parent(s) or legal guardian(s) and who
2303 said staff member is not in employment or has any affiliation with said dorm or cottage said
2304 residential student resides in shall be present with the returning student and the aforementioned
2305 visitor who shall in turn receive back in hand the log entry of the visit that had been entered at
2306 time of visit, but, prior to the disclosure of the aforementioned abuse. An amendment to said
2307 visitor log entry shall be made via a blank page or pages describing the type of abuse that has
2308 been disclosed and the names and cottages or dorms or the positions or classroom or areas of the
2309 school to where the act of abuse took place, the names of the alleged perpetrators, the date, and
2310 the approximate time the abuse is alleged to have occurred, the type of abuse alleged and a
2311 description of the abuse, and any staff member so employed by the school who was on duty at
2312 the time said abuse is alleged to had occurred if remembered by the victim. At the time said
2313 amendment of the visitor log has been made via the use of separate pages, said visitor log and
2314 said separate sheets of papers detailing the alleged incident shall be signed once again by the
2315 family member who had signed the original visitor log, the witnessing student, if the staff on
2316 duty at the time of the original signing of the visitor log was not present and the staff member
2317 who knows of the family member so visiting the student at the time said original log entry was
2318 made. In the case the staff member(s) on duty had signed the visitor log, underneath the family
2319 member visitor was present, he/she must sign their signature to said amendment to the visitor's
2320 log if they had signed the original family member visitor's log. Upon completion of the
2321 amendment describing any abuse, whether physical or sexual, in the presence of the
2322 aforementioned visiting family member, the student witness who originally bared witness to the

2323 original log entry or staff member(s) on duty who bared witness to the aforementioned original
2324 log entry, said family member shall have the right to attach via use of a stapler the amendment to
2325 the original log entry, via additional pages containing the aforementioned information regarding
2326 the alleged on campus abuse. upon attachment to said original visitor log entry said staff member
2327 appointed by said child’s parent(s) or legal guardian(s) who is in complete knowledge of said
2328 family members who would most likely have contact with said child must in the presence of the
2329 aforementioned witnesses seal the amendments into the original log entry and upon sealing of the
2330 original visitor’s log entry and the stapled amendments accompanying such, said sealed, long
2331 envelope shall be signed by the family member who originally made the visit and signed the
2332 original visitor log entry and the witnesses present at said original visiting log entry, followed by
2333 the words on the outside of the envelope, and on its face, in all uppercase letters, “NOT TO BE
2334 REDACTED THIS FAMILY VISITOR LOG BEARS A “LEAN ON SUBJECT TO
2335 INTERNAL INVESTIGATION.”

2336 Said amended log shall be handed over forthwith to the head administrator of the school,
2337 who must in turn read its content, including, but, not limited to any amendments detailing any
2338 disclosed abuse and he/she must make an oral report to the Department of Children and Families
2339 as required by applicable state mandated reporting laws, followed by a written report to said
2340 Department of Children and Families as prescribed by applicable mandated state reporting
2341 requirements. Said family member shall have the right to remove said student from campus over-
2342 night at the conclusion of said child’s classes and that said student may be transported by said
2343 appointed family member to the child’s home where they reside with his/her parent(s) or legal
2344 guardian(s) provided, however, the student is a day student. Said school administrator shall
2345 apprise the people that provide transportation of the child to and from school that said child will

2346 not be riding the bus or special needs van, due to extenuating circumstances. In the case the
2347 student is a residential student, he/she may be taken back to the appointed family member's place
2348 of residence and transported home on Fridays, when his/her classes are through, to the
2349 aforementioned child's parents(s) or legal guardian, or if said disclosure had occurred during the
2350 week, said student, so alleged to be abused, may be placed with the appointed family member
2351 until such time as the school's head administrator has in the case of child on child violence or
2352 sexual abuse commenced a parent(s) or legal guardian(s) director of the school, or president of
2353 the school or principal conference, which shall be said to result in the commencement against the
2354 offender of disciplinary action, and that in the case of student on student sexual abuse, said
2355 alleged offender must be suspended interim any finding of guilt or innocence by said school
2356 disciplinary board as outlined in section 4 of this act, or in the case of violent abuse that is not of
2357 a sexual nature, said offending student of the abuse ordered removed by said school authority so
2358 conducting the conference shall do, pending disciplinary action to be taken by said school
2359 disciplinary board as outlined in the aforementioned section 4 of this act. Both the parent(s) or
2360 legal guardian(s) of said victim of said abuse shall be apprised that disciplinary action has been
2361 said to commence via conference of the aforementioned school administrator and the offending
2362 student's parent(s) or legal guardian(s) and that said offender has been suspended interim in the
2363 case of sexual abuse, or in the case of student on student violence, said offending student has
2364 been ordered by said school official to have no contact with his/her victim. The visiting family
2365 member who has temporary custody of the student until said disciplinary action has been
2366 commenced and that such actions had been taken shall also be notified by the school and that it is
2367 safe for the visiting family member to return said student to residential living, in his or her
2368 original dorm or in another dorm or cottage to which the alleged offender does not reside.

2369 In the case of staff on student abuse or sexual abuse, said parent(s) or guardian(s) of said
2370 child, to whom is the victim of said abuse may remain in their custody or the temporary custody
2371 of the appointed family member, in the event that said staff on student abuse, whether physical or
2372 sexual has been disclosed during original visit, said adult family member so appointed by said
2373 child's parent(s) or legal guardian(s) shall have the right to retain temporary custody of said
2374 student until said disciplinary action against said alleged staff member offender has commenced,
2375 via staff member/school administrator conference, and that it has been informed by said
2376 administrator of said school that said staff member abuser, whether he/she has allegedly
2377 committed physical abuse or sexual abuse has been removed from school campus, pending any
2378 employment termination hearing by said school disciplinary board as outlined in section 4 of this
2379 act. Said parent(s) or legal guardian(s) shall also have the right to have the child provided a tutor
2380 at home until said notice of disciplinary action against said staff has been commenced and that
2381 said staff member allegedly to had committed physical or sexual abuse has been removed by said
2382 school administration from said employment interim any disciplinary action hearing by the
2383 school's disciplinary board as outlined in section 4 of this act.

2384 Section 18 Length of Time of Preparation to Be In Compliance with This Juvenile
2385 Violence Act upon Passage: Schools Covered Under This Act and All of Its Auspices

2386 Upon passage of this act, otherwise known as the Juvenile Violence Act of 2015, all
2387 schools, including, but, not limited to public day schools, private day schools, residential
2388 schools, chartered schools and agricultural schools, which are licensed, or chartered or both to
2389 provide educational services to school-aged children in grades Kindergarten-12 or in the case of
2390 Special Needs school-aged children in grades Kindergarten-22-years-old shall have one full
2391 calendar year to make any adjustments of schedules, and staffing, and premises to be in full

2392 compliance with this act, otherwise known as the Juvenile Violence Act of 2015. It shall be the
2393 duty of the administration of all schools so licensed or chartered, or accredited or both, licensed
2394 and chartered and accredited that provides education to school-aged children in grades
2395 Kindergarten-grades 12 or in the case of Special Needs school-aged children in grades
2396 Kindergarten-22-years-old to within one calendar year of the passage of this act to negotiate
2397 schedules of payments to reflect the true salaries that house parents or house staff who are at
2398 least 21 years of age or older and who are in master's degree programs leading into the field of
2399 childhood education or human services, in terms that are commensurate with their experience
2400 they possess upon hire, and that such pay must be at minimum, \$20.00 an hour or commensurate
2401 with any extra skills or experience said houseparent or house staff may have upon hire or one
2402 calendar year after passage of this act, otherwise known as the Juvenile Violence Act of 2015.
2403 House staff or houseparents so working with special needs students shall be hired at a minimum
2404 pay of \$25.00 and upward, depending on skills, education and experience level, at hire or starting
2405 one calendar year of passage of this act, otherwise known as the Juvenile Violence Act of 2015.

2406 Section 19 Educational Facilities Covered Under the Umbrella of the Juvenile Violence
2407 Act of 2015

2408 Notwithstanding any school policies, regulatory policies, or any other special laws to the
2409 contrary, this act, otherwise known as the Juvenile Violence Act shall be said to cover any and
2410 all educational facilities, including, but, not limited to public day or private day schools that
2411 educate school-aged children in grades Kindergarten-12 or in the case of special needs school-
2412 aged children in grades Kindergarten-22-years-old, and residential schools, whether or not such
2413 is an academy, or a preparatory school, or a special needs school that educates school-aged
2414 children in grades Kindergarten-12 or in the case of special needs school-aged children in grades

2415 Kindergarten-22-years-old, and chartered schools, that educate school-aged children in grades
2416 Kindergarten-12 or special needs school-aged children in grades Kindergarten-22-years-old, and
2417 vocational technical schools that educate school-aged children in grades 9-12, or in the case of
2418 special needs school-aged children, in grades 9-22-years-old, otherwise known as vocational
2419 technical high schools and special agricultural schools that educate school-aged children in
2420 grades Kindergarten-12 or in the case of special needs school-aged children in grades
2421 Kindergarten-22-years-old and trade schools that educate school-aged children in grades
2422 Kindergarten-12 or in the case of special needs school-aged children in grades Kindergarten-22-
2423 years-old, which are offering educational instructions to school-aged children from grades
2424 Kindergarten until graduation from high school, whether, or not the student graduates at 17-
2425 years-old, or 18-years-old or in the case of special needs school-aged children who shall have the
2426 right to remain in school until he/she has reached their 22nd birthday and is thus deemed to be
2427 graduated from high school at said time, said special needs school-aged student has reached their
2428 22nd birthday and that said educational facility is operating their facilities within the
2429 Commonwealth of Massachusetts, whether or not they may have satellite facilities in
2430 jurisdictions other than the Commonwealth of Massachusetts.