

SENATE NO. 940

AN ACT RELATIVE TO CHILD SAFETY AND INFORMATION SHARING

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

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

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

29 SECTION 2. Section 37H ½ of chapter 71 of the 2004 Official Edition of the General Laws is
30 hereby amended by inserting in line 5 after the word "student," the following:-

31 The clerk's office shall notify the superintendent and principal of any city, town, or regional
32 school district in which the student is enrolled, or for the city or town in which the student
33 resides, of the existence and nature of the complaint.

34 SECTION 3. Section 37H ½ of chapter 71 of the 2004 Official Edition of the General Laws is
35 hereby amended by striking the second paragraph of part (1) and inserting the following:-

36 The student shall have the right to appeal the suspension to the superintendent and if the
37 principal or headmaster of a school in which the student is enrolled does not suspend the
38 student, said principal or headmaster shall notify the superintendent of his decision and the
39 superintendent shall have the right to suspend the student if the superintendent determines that

40 the student's continued presence in school would have a substantial detrimental effect on the
41 general welfare of the school. The student shall notify the superintendent in writing of his
42 request for an appeal no later than five calendar days following the effective date of the
43 suspension and the superintendent shall notify the student in writing of his intention to review
44 the principle or head master's decision no later than five calendar days following the principal
45 or headmaster's decision. The superintendent shall hold a hearing with the student and the
46 student's parent or guardian within three calendar days of the student's request for an appeal or
47 superintendent's notification of his decision to review the headmaster's decision. At the
48 hearing, the student shall have the right to present oral and written testimony on his behalf, and
49 shall have the right to counsel. The superintendent shall have the authority to overturn or alter
50 the decision of the principal or headmaster, including recommending an alternate educational
51 program for the student. The superintendent shall render a decision on the appeal within five
52 calendar days of the hearing. Such decision shall be the final decision of the city, town or
53 regional school district with regard to the suspension.

54 SECTION 4. Section 37H ½ of chapter 71 of the 2004 Official Edition of the General Laws is
55 hereby amended by inserting in line 32 after the word “delinquency,” the following:-

56 The clerk's office shall notify the superintendent and principal of any city, town, or regional
57 school district in which the student is enrolled, or for the city or town in which the student
58 resides, of the existence and nature of the conviction, adjudication or admission.

59 SECTION 5. Section 37H ½ of chapter 71 of the 2004 Official Edition of the General Laws is
60 hereby amended by striking the second paragraph of part (2) and inserting the following:-

61 The student shall have the right to appeal the suspension to the superintendent and if the

62 principal or headmaster of a school in which the student is enrolled does not expel the student,
63 said principal or headmaster shall notify the superintendent of his decision and the
64 superintendent shall have the right to expel the student if the superintendent determines that the
65 student's continued presence in school would have a substantial detrimental effect on the
66 general welfare of the school. The student shall notify the superintendent in writing of his
67 request for an appeal no later than five calendar days following the effective date of the
68 expulsion and the superintendent shall notify the student in writing of his intention to review
69 the principle or head master's decision no later than five calendar days following the principal
70 or headmaster's decision. The superintendent shall hold a hearing with the student and the
71 student's parent or guardian within three calendar days of the student's request for an appeal or
72 superintendent's notification of his decision to review the headmaster's decision. At the
73 hearing, the student shall have the right to present oral and written testimony on his behalf, and
74 shall have the right to counsel. The superintendent shall have the authority to overturn or alter
75 the decision of the principal or headmaster, including recommending an alternate educational
76 program for the student. The superintendent shall render a decision on the appeal within five
77 calendar days of the hearing. Such decision shall be the final decision of the city, town or
78 regional school district with regard to the expulsion.

79 SECTION 6. Section 37L of chapter 71 of the General Laws is hereby amended by inserting at
80 the end the following new paragraph:-

81 Notwithstanding any provision of sections 168 to 175, inclusive of chapter 6 of the General
82 Laws, or any other general or special law to the contrary, the superintendent of any public
83 school district or private school within the commonwealth from which a student is transferred
84 or transfers, shall within 2 days school days of the request of the superintendent of any school

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

96 SECTION 7. Chapter 71 of the General Laws is hereby amended by inserting after Section 89
97 the following new section:-

98 Section 90. Local law enforcement officials may share any information with a superintendent
99 or his designee when a local law enforcement official is aware of specific information
100 regarding a student or students that would lead a reasonable person to believe there is a
101 substantial risk of serious physical injury to a student, teacher or other employee of the school.
102 The disclosure of such information in no way imposes an obligation on the school to suspend,
103 expel or request the arrest of the youth in question.

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

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