

HOUSE No. 382

The Commonwealth of Massachusetts

PRESENTED BY:

James H. Fagan

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 passage of the accompanying bill:

An Act regarding school expulsion.

PETITION OF:

NAME:

James H. Fagan

DISTRICT/ADDRESS:

3rd Bristol

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT REGARDING SCHOOL EXPULSION.

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. Section 37H of Chapter 71 of the General Laws, as appearing in the 2006 Official Edition,
2 is hereby amended by inserting at the end thereof the following:-

3 In the event that the superintendent's decision is to suspend or expel a student, that student is
4 entitled to a de novo expedited judicial review with the juvenile court. The student shall notify the
5 superintendent, in writing, of his request for an expedited judicial review no later than five calendar days
6 following the suspension or expulsion. The student shall file his request for the expedited judicial review
7 with the juvenile court within ten calendar days following the suspension or expulsion on a form
8 approved by the Chief Administrative Justice for the Juvenile Court Department.

9 The juvenile court judge may suspend or expel said student if it is found that the student has been
10 convicted of a felony or adjudicated delinquent of having committed a felony or upon an admission in
11 court of guilt with respect to such a felony or felony delinquency; and in addition if it is found that the
12 student's continued presence in school would have a substantial detrimental effect on the general welfare
13 of the school. The findings of the juvenile court shall be made by clear and convincing evidence. The
14 juvenile court shall conduct the de novo review of the student's suspension or expulsion on an expedited
15 basis. The determination of the juvenile court shall be final with no further right of appeal or review.