

HOUSE No. 502

The Commonwealth of Massachusetts

PRESENTED BY:

Steven Ultrino

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 student conduct.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>

HOUSE No. 502

By Mr. Ultrino of Malden, a petition (accompanied by bill, House, No. 502) of Steven Ultrino and others relative to the rights of certain expelled students to cross examine witnesses at the administrative hearing level. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to student conduct.

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

1 Chapter 222 of the Acts of 2012 is hereby amended in Section 3 by striking (e) and
2 inserting the following section:

3 A student who has been suspended or expelled from school for more than 10 school days
4 for a single infraction or for more than 10 school days cumulatively for multiple infractions in
5 any school year shall have the right to appeal the suspension or expulsion to the superintendent.
6 The student or a parent or guardian of the student shall notify the superintendent in writing of a
7 request for an appeal not later than 5 calendar days following the effective date of the suspension
8 or expulsion; provided, that a student and a parent or guardian of the student may request, and if
9 so requested, shall be granted an extension of up to 7 calendar days. The superintendent or a
10 designee shall hold a hearing with the student and the parent or guardian of the student within 3
11 school days of the student’s request for an appeal; provided that a student or a parent or guardian
12 of the student may request and, if so requested, shall be granted an extension of up to 7 calendar

13 days; provided further, that the superintendent, or a designee, may proceed with a hearing
14 without a parent or guardian of the student if the superintendent, or a designee, makes a good
15 faith effort to include the parent or guardian. At the hearing, the student shall have the right to
16 present oral and written testimony, and shall have the right to counsel. The superintendent shall
17 render a decision on the appeal in writing within 5 calendar days of the hearing. That decision
18 shall be the final decision of the school district with regard to the suspension or expulsion.