

HOUSE No. 3241

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 passage of the accompanying bill:

An Act regarding juvenile violence.

PETITION OF:

NAME:

Brian J. Coppola

DISTRICT/ADDRESS:

*400 Merrimack Street, Methuen, Mass
01844*

HOUSE No. 3241

By Ms. DiZoglio of Methuen (by request), a petition (accompanied by bill, House, No. 3241) of Brian J. Coppola relative to juvenile violence caused by a person who is school age and is 12 years or older. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act regarding 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 Be it enacted that any student who is of school age and is 12 years or older, up till he/she
2 graduates from high school and who has not yet to graduate from high school, who commits onto
3 another student, rape, molestation, indecent assault or any other acts of sexual abuse, whether
4 said acts occurred in a public, or private elementary or middle or secondary day school or
5 elementary or middle or secondary boarding school, which both the offender and the victim
6 attend shall face automatic expulsion from his/her public, or private elementary or middle or
7 secondary day school or elementary or middle or secondary boarding school. Said child who has
8 been expelled for sexual abuse, or molestation, or rape shall not be permitted to be enrolled into
9 a boarding school within or without the Commonwealth of Massachusetts, except for a juvenile
10 detention facility, or jail, or a psychiatric care facility, when ordered by a juvenile court, or a trial
11 court that has jurisdiction over said matters. At the time of expulsion, said school system must
12 provide said expelled offender alternative ways of receiving their education, whether they are
13 home schooled, or a tutor is provided by the said school system or the said school system makes
14 their educational materials available over the Internet. In the case of disabled or special needs
15 students, the school system must provide reasonable accommodations to the alternative
16 educational materials as outlined in a written individualized educational plan, as deemed under
17 applicable state and federal laws.

18 Any student who is 8 years of age or older who brings a gun or a dangerous weapon into
19 any grade school within the Commonwealth of Massachusetts shall face automatic expulsion
20 from said grade school for a period not to exceed one (1) full calendar year and at the time of
21 said expulsion shall have the same aforementioned hearing and the aforementioned procedural
22 and substantial due process requirements met, which shall include the aforementioned hearing,

23 notice of hearing, determination of guilt or innocence by the aforementioned authority and notice
24 of right to appeal such expulsion decision. Said expelled student shall also be entitled to the
25 aforementioned alternative means of receiving their education, whether it be home schooling,
26 provided with a tutor, or over the Internet, with the aforementioned reasonable accommodations
27 as it pertains to a student with a disability or special needs. In the case of a student who is
28 developmentally or psychiatrically disabled, the same aforementioned Individual Behavioral
29 Modification Educational Plan (IBMEP) requirements shall be met as in the case of any violent
30 act or sexual deviant behavior. Any student who has a pending case of a gun or weapons carrying
31 into school case shall not remain on the aforementioned educational institution's grounds and
32 must be suspended interim pending said case. The same requirements shall also apply to
33 boarding grade schools, and the same child must accompany parent requirements in all schools
34 shall apply.

35 Any student attending any post secondary educational institution within the
36 Commonwealth of Massachusetts who carries a gun or a dangerous weapon onto school
37 premises shall face automatic expulsion from said post secondary institution and also shall lose
38 any and all state aided financial aid.

39 Any student attending any grade or post secondary school within the Commonwealth of
40 Massachusetts shall also in addition to said expulsion face criminal prosecution for said violation
41 thereof. In the case of a juvenile, aged 8-18 years of age, such matters shall be prosecuted in a
42 juvenile court and upon the determination of delinquency; said juvenile shall be placed under the
43 provision of a Child In Need of

44 Services (Chins). Any student who is 18 years of age or older shall be prosecuted in an
45 adult criminal court for carrying a gun or dangerous weapon onto school premises, whether a
46 grade school or a post secondary educational institution within the Commonwealth of
47 Massachusetts. Said offender 18 years of age or older who is guilty of carrying a gun or
48 dangerous weapons onto school premises is punishable by a fine of no less than \$3,000.00 or
49 imprisonment in state prison for no less than 3 years or both said fine and imprisonment. In
50 addition, said offender shall not be permitted to obtain a license to carry firearms.

51 Notice of said mandatory expulsion, or suspension, and hearing on the matter shall be
52 made in writing, and such notice shall include the date of the hearing, and the right to be
53 represented by counsel of both the victim and the alleged offenders' choice. In the case that the
54 offender is found guilty and said mandated expulsion in the case of rape of another school aged
55 student, or a suspension is handed down by either the director or president of a private day or
56 boarding elementary, middle, or secondary school, or that of a principal of a public elementary,
57 middle, or secondary school, said notice shall be in writing and include the mandated expulsion
58 in the case of rape, indecent assault or other forms of sexual abuse of another school aged
59 student, or suspension for the offense of violence in connection with any bullying or hazing
60 activities by students of school age and the right to appeal said decision and the length of time

61 one has to appeal said mandated expulsion or suspension, and the noticed shall also include the
62 right to further appeal in a juvenile court, or any state court that has jurisdiction over the matter.
63 In the case of rape, molestation, indecent assault or other forms of sexual abuse as defined under
64 M.G.L Chapter 265, said hearing on the school level shall be held in a sequestered manner and in
65 a sequestered setting, with a sign on the door way stating that the matter is a “sequestered
66 hearing.” The same signage shall be posted in alumni board of director proceedings in said cases
67 of rape, molestation, indecent assault, or sexual abuse or any other forms of sexual abuse as
68 defined under M.G.L Chapter 265.

69 There shall be no statute of limitations on which a victim of child rape, molestation, or
70 other forms of sexual abuse committed in the same educational facilities, to which both the
71 victim and the alleged offender had attended at the time of the alleged offense, to bring an action
72 on the school level for said child rape, molestation, or other forms of sexual abuse. The
73 educational facility’s alumni associations’ board of directors shall be granted jurisdiction to hear
74 cases of sexual abuse, including child rape, molestation, or other forms of sexual assault or other
75 forms of sexual abuse, when both the victim and the offender has graduated or left said
76 educational facility, where the offense has alleged to have occurred or either one party, the
77 offender or the victim of said abuse has graduated or left the same educational facility, where the
78 alleged sexual offense has alleged to have occurred. This shall include, but not be limited to a
79 public elementary, middle, or secondary school or private day school on the same level, or that
80 of a boarding school, when an action on the school level commences, whether at the time of the
81 offense or years later, at first disclosure of said sexual offense to three or more persons. Upon
82 referral of sexual abuse cases to the schools’ alumni associations’ board of directors of such
83 sexual abuse cases, it shall be the duty of the school’s alumni associations’ board of directors to
84 hear said matter in a sequestered setting and that such hearing be deemed a sequestered hearing.
85 The determination of guilt or innocence shall be determined by two-thirds (2/3) of the board of
86 directors of the school’s alumni associations’ board of directors. Upon the finding of guilt, the
87 person alleged to have committed a sexual offense shall be deemed expelled from the school, as
88 if the case of sexual abuse had come to surface at the time of the alleged incident. The alleged
89 offender shall have a right to appeal their case to the board of trustees of a day elementary,
90 middle, or secondary private day or boarding school for re-instatement into that school’s alumni
91 association should any due process rights be violated or in the case of a public school, to which
92 the student was a member of the school’s alumni association, the school committee of the school
93 district to which the student was expelled from the public school’s alumni association on the
94 basis of any due process violation.

95 The school’s alumni associations’ board of directors shall produce in writing the date and
96 time of the hearing on such matter to both the former student alleged to have committed a sexual
97 offense and the victim involved in the case. Upon determination of guilt, the alumni board of
98 directors of the school where the offense occurred and the case was disposed of on the school
99 level shall notify the alleged offender of their right to appeal and the amount of time, which the

100 offender has to appeal for re-instatement into the association. Statute of limitations or
101 confidentiality shall be barred as a defense in said proceedings, including on the appellate level.

102 Present at the hearing conducted by the school's alumni associations' board of directors
103 hearing on the matter shall be the alleged offender, representative of their choice, any witnesses
104 they have to prove their innocence in the matter, the victim, representation of the victim's choice
105 and any witnesses the victim may have to prove their case of alleged sexual abuse or rape. The
106 same shall be present during the appellate process to the school's board of trustees in the case of
107 a private day or boarding school or the school committee in the case of a public school setting.

108 The said aforementioned alumni association board of directors procedures in removing a
109 former student's good standing in an educational facility, whether grade or post secondary shall
110 apply in the case where a former student who has graduated or left in "good standing," who has
111 been known to have an arrest record for the offenses of murder in the first or second degree or
112 rape of any kind, including but not limited to statutory rape. The same procedures shall apply to
113 any teacher, staff member, director, or president of any grade or post secondary educational
114 setting in cases of murder, first or second degree, rape, including but not limited to statutory
115 rape.

116 Said offender need only be 12 years or older, up until they had graduated or had left said
117 school setting where the offense had alleged to have taken place.

118 Any school aged student who is 12 years or older, up until they graduate or leave an
119 educational facility and attempts to engage in acts of molestation or molests another student or
120 commits both, onto another student shall be expelled. In the case of violence in connection with
121 bullying or hazing activities, the student offender shall face automatic suspension from any
122 public or private day elementary or middle or secondary school or any elementary or middle or
123 secondary boarding school for a period of 10 days for attempted violence or other forms of
124 violent abuse or bullying or hazing activities as deemed under applicable state anti hazing laws,
125 or both. Any student or organization who engages in acts of hazing and also commits a chapter
126 265 offense, including murder in the first or second degree, or rape, including but not limited to
127 statutory rape, or any kind of assault, or assault and battery or any other kinds of sexual abuse as
128 deemed under chapter 265 shall also face criminal prosecution for said chapter 265 offense in
129 addition to any criminal charges for hazing or bullying activity, as deemed under state anti-
130 hazing laws or applicable state anti-bullying laws or both. The same shall apply to any chapter
131 209A offenses. The same shall apply to any grade school; whether public or private day or any
132 private grade boarding school on the elementary, middle, or secondary level. In the event that an
133 incident involves physical or verbal violence that constitutes a chapter 265 or chapter 209A
134 offense against the person, or rises to the level of domestic violence, said incidents must be
135 reported to law enforcement officials or in the case of a grade school, whether day or boarding,
136 within 48 hours of the alleged incident by any staff member or the head administrator of any
137 grade school, who is either in knowledge of or is a witness to or has been informed of any

138 allegations of any sexual abuse, including but not limited to rape, indecent assault, sexual assault
139 or any other forms of sexual abuse, or acts of violence committed by a juvenile student to the
140 aforementioned law enforcement authorities. Said acts of sexual abuse or violence committed by
141 a juvenile student onto another juvenile student or staff member in any grade school must also be
142 reported to the Department of Children and Families, in the manner and time limits as proscribed
143 applicable under state child abuse reporting laws, with said Department of Children and
144 Families.

145 An incident report alleging rape or the aforementioned sexual abuse, when brought to the
146 attention of either a staff member of the school or the head administrator, and is reported at the
147 time said has been alleged to had happened, shall include, but not be limited to the date and time,
148 or the approximate date and time of said allegation, the place where alleged sexual abuse
149 occurred on school premises, the name and address of the victim, the name and address of the
150 offender(s) a detailed description of the sexual abuse alleged, and any evidence or rape test kits
151 completed, in the event there is any, or whether or not a school organization, which an alleged
152 offender has joined is used as a ruse to lure other students in to said sexual acts. In the case
153 where said sexual offense is reported on the date and time it has alleged to have occurred, said
154 victim shall be transported by way of school security or the local police department where the
155 school is located to have a rape test kit performed. In the case a rape test kit is utilized and
156 perform, said results of such must also be included in the incident report. Incident reports
157 alleging rape or sexual abuse onto another student in a grade school must be signed by the victim
158 themselves, if they have the capacity to do so, and two staff members who are either teachers, or
159 school guidance counselor, or school counselors, or school psychologist, or school psychiatrist,
160 or whoever comes into knowledge of said, whether they had been confided into by the victim or
161 the student perpetrator confesses of said allegations thereto. The incident reports alleging the
162 aforementioned rape or sexual abuse must also be signed by the head administrator of the school
163 and copies of said incident reports shall be given to A. The parents or guardian of the victim, B.
164 The parents or guardian of the alleged offender, C. The Department of Children and Families and
165 D. placed on the health records of the victim in the school's health department. Said incident
166 report placed on file with the school's health department or school nurse shall have marked on it,
167 "confidential information and be kept in a locked filing cabinet in the school's health department
168 after they had been notified by the head administrator that the proper reporting requirements had
169 been satisfied and had been certified as complied with by the Department of Children and
170 Families. Any misleading or omission of information contained in an incident alleging sexual
171 abuse or rape shall be grounds for prosecution for the offense of Obstruction of Justice and
172 anyone who knowingly misleads information or omits information in said incident report, even if
173 it is to protect the image of said school shall face be punished by a fine of \$2,000.00 or by
174 imprisonment in state prison for no less than 3 Years, but, no more than 5 years or both said fine
175 and imprisonment. In the case where sexual abuse is reported by a victim of said on the day it
176 happened, a school's security guard's failure to transport said victim to the aforementioned
177 emergency room or that of the local police department shall also constitute the aforementioned

178 Obstruction of Justice and shall be punishable by the aforementioned penalties herein. The same
179 aforementioned incident reports, and procedures, and reporting requirements shall also apply in
180 the case an employee of the aforementioned school is alleged to have engaged in rape or sexual
181 abuse onto other students. The same shall also apply when an incident of rape or sexual abuse
182 has been alleged to have been perpetrated by a student onto another staff member so employed at
183 said educational institution.

184 In the case of a post secondary educational institution the same reporting requirements to
185 the aforementioned law enforcement authorities shall apply. The same mandated expulsion or
186 suspension laws shall also apply to any post secondary public or private day or boarding
187 institutions of higher education, which shall include but not be limited to a college, a university,
188 a trade school, or a technical school or any other institution, within the Commonwealth of
189 Massachusetts, for the same aforementioned offenses, committed by students who has graduated
190 high school and is 18 years of age or older, up until they had left or graduated their post
191 secondary educational institutions to which they attend. A post secondary educational institution
192 need not provide alternative ways for a student of said post secondary institution to receive their
193 educational materials, unless they chose to do so. The same aforementioned requirements shall
194 also apply to graduate and post graduate institutions of higher education.

195 A roommate of a student 18 years of age or older living in a college dorm or apartment,
196 whether on or off the premises of the college or university shall constitute a domestic
197 relationship during the academic year and such domestic violence of a roommate onto another
198 roommate shall fall under the provisions of M.G.L. chapter 209A. In the case of a boarding
199 college or university or off campus housing that is affiliated with the college or university, the
200 same said Chapter 209A domestic violence laws shall apply.

201 In situations where a post secondary educational institution is either a boarding school or
202 provides off campus housing, in which students 18 years of age or older are roommates in either
203 the same room of a dorm or share school provided apartments, whether on or off campus, any
204 student wishing to have overnight guests in the housing facility which is shared by other students
205 on a roommate basis, whether the guest is male or female or of the same sex as the student so
206 wishing to entertain overnight guest in aforementioned dorm's room, apartment or off campus
207 housing either provided by the college or university or is affiliated with the college or
208 university, whether day or boarding, the student must receive consent from all the other
209 occupants of the facility, which they share prior to having overnight guest in with them. This
210 policy shall be stated in the college or university's handbook each academic year. In the case,
211 where students at a post secondary educational facility is sharing with a disabled person, on
212 campus designated handicapped housing, whether it be a dorm room or an apartment, prior to the
213 start of each academic year, the college or university, or trade school or technical school's
214 director of the school's housing office program must coordinate along with state rehabilitation
215 agencies, disability sensitization training. Present at such training shall be the director of the post
216 secondary educational institution's student housing office, the students sharing the designated

217 handicap housing unit, any disabled student(s) who will be residing in the said designated
218 handicap housing unit during the academic year, the resident director overseeing the housing unit
219 and the resident assistants so assigned to work in the proximity of the unit. At the conclusion of
220 such sensitization training, any student(s), who is not in need of the designated handicap housing
221 on the campus, and so chooses not to live in said designated handicap housing unit, shall state to
222 the director of the post secondary's housing office, the desire not to reside there and said director
223 shall put this into writing and generate a room change of said students who do not desire to live
224 in handicap housing, prior to date of move in. Said designated handicap student housing units or
225 apartments shall be exempt from any post secondary educational institution's meritocracy
226 policies or any room lotteries or any "points" schemes based on class year, as said designated
227 handicap housing for a disabled student is a reasonable accommodation. A post secondary
228 boarding institution must state in their policies that handicapped housing is given priority to
229 students with disabilities as a reasonable accommodation and that such is exempted from the
230 school's meritocracy, room lottery, or "points" based on class year scheme policies.

231 Any acts of hazing committed in designated handicap housing units or in connection with
232 said designated handicap housing units or committed by students not needing said designated
233 handicapped housing, as a reasonable accommodation for the sole purpose of discrimination or
234 obtaining the designated handicap housing unit for their own personal benefits shall constitute an
235 automatic expulsion from the aforementioned post secondary educational facility. In addition to
236 said expulsion, said students so involved in the said, aforementioned hazing activity, which
237 occurs in designated handicapped housing units shall also forfeit state financial aid, that is given
238 to them by the Commonwealth of Massachusetts. Any student so desiring to live in designated
239 handicapped housing, with any disabled student shall be required to sign in the presence of the
240 director of the school's housing office and the president of the college or university, an anti-
241 hazing, an anti-sexual abuse, and an anti-violence agreement, which shall also state the
242 aforementioned mandated expulsion for hazing activity committed in connection with said
243 designated handicapped housing. Said student so desiring to live in said designated handicapped
244 housing with a disabled person shall also sign in the presence of the said school's director of
245 housing office and the college or university's president another statement that should they
246 engage in the aforementioned hazing activity in connection with designated handicapped
247 housing, that they stand to forfeit any and all state financial aid for their education, which is
248 provided to them, by the Commonwealth's board of higher education.

249 Any post secondary student, over the age of 18 and attending a post secondary
250 educational institution, whether a day public or private post secondary or a boarding post
251 secondary educational institution, who willfully engages in causing property damages to any
252 school property, whether on the outside or inside of the structure, shall be held criminally and
253 civilly liable for causing said property damages under applicable state laws. In the event that they
254 need to borrow money from their parents or guardian to re-imburse the learning institution for
255 willful damage, intentionally caused by him/her, shall be held civilly liable for paying back their

256 parents or guardian, the monies as if such were a loan. A parent or guardian so lending the
257 money to said student to re-imburse said institution for said willful and intentional property
258 damage shall be liable for double the money they so borrowed from said parents or guardian to
259 re-imburse said institution for the damage to property so caused. A student so borrowing monies
260 to cover the costs of the damages they willfully and intentionally caused shall present to the
261 college or university or any post secondary school's dean, the note in writing containing their
262 name and their home address and the name and address of the parent or guardian to which they
263 had borrowed from. Intoxication from alcohol and illegal drugs shall be barred as a defense in
264 any action, whether civil or criminal for willful and intentional damage to the property of the
265 post secondary learning institution. The loan taken from a parent or guardian by the student shall
266 be said to start to be paid back upon graduation or termination of the student from said secondary
267 institution. Upon court order for payment of the debt to either the school, or the parent or
268 guardian or both, the sheriff's department, where the student had attended said post secondary
269 school shall have the right to seize the property of the student to satisfy the debt to either the post
270 secondary school or the parents or guardian of the student.

271 All post secondary institutions within the Commonwealth of Massachusetts, whether
272 public or private day or private boarding post secondary educational facilities shall have installed
273 in their common areas, and outside of the structure, updated video surveillance equipment. This
274 shall also include but not be limited to the dining areas, the classroom areas and the hallways of
275 such, and the hallways where after class activities are held, including but not limited to the
276 library or other study areas. Parking areas shall also be equipped with said video surveillance
277 equipment. The school police department shall also be equipped with the aforementioned
278 updated video surveillance equipment, of in all areas they are placed, shall be running 24 hours a
279 day and 7 days a week, until the college is on semester break or summer break, with video
280 surveillance resuming at the beginning of each semester. In the case of private post secondary
281 post educational institutions, additional updated video surveillance shall be installed in the
282 common areas of the dorms and within range of the student sleeping quarters. In the case of a
283 university apartment complex, said video surveillance equipment shall be installed in the
284 hallways of the complex, the exterior at all boarding quarters, and also in the case of apartment
285 complexes, in the common areas of the student apartments, which shall be defined as the living
286 room or den area, the kitchen and any back hallways that lead to the back of said apartment
287 complexes, including but not limited to the designated fire areas. Appropriate signage that the
288 aforementioned areas are under video surveillance shall be posted in an area that can be reached
289 and said signage shall also be posted in large print and Braille. No video surveillance devices
290 shall be installed in a student's bedroom or the bathrooms, which they use, unless a warrant is
291 properly obtained from a court of law, as part of conducting a criminal investigation or in the
292 case of probable cause that a crime has been committed. In either case, it shall be the
293 responsibility of campus police or local or state police to go to court to have a warrant executed
294 to install video surveillance in a student's bedroom or the bathrooms they so use. At the

295 conclusion of said investigation or the obtaining evidence, or both in criminal matters, said
296 surveillance equipment must be removed.

297 In the event that a post secondary student or staff member threatens to commit suicide, or
298 is suspected of acting suicidal or acts suicidal, a school counselor, who is a psychologist, campus
299 police and the person's parents or guardians shall be notified immediately by oral
300 communication, and within 48 hours, a follow-up incident report on the matter shall be made in
301 writing, detailing the name and home address of the individual, the date time and a detailed
302 description of the incident. Copies of this incident report must be forwarded to the school
303 counselor, the campus police, the parents or guardian of the individual or a family member in the
304 case where there is no guardianship, and to local law enforcement authorities. Said suicidal
305 individual shall be escorted by police or ambulance to an emergency room that is equipped with
306 a psychiatric facility. follow-up therapy and psychiatric treatment upon release from said
307 psychiatric facility shall be carried out by a psychologist and a psychiatrist who is not affiliated
308 in any way with any post secondary educational institution or who is in private practice away
309 from the educational facility, or in an outpatient psychiatric hospital setting. The same
310 requirements shall hold true in cases where a student or staff member either threatens violence or
311 behaves in a violent manner and mental illness or psychiatric disability is suspected. Any on
312 campus authority who fails to report suicidal or violent incidents where mental illness or
313 psychiatric disability is suspected shall be terminated immediately from the post secondary
314 institution and shall also be subject to criminal prosecution. Said offense of failure to report the
315 aforementioned activities in the manner proscribed shall be punishable by a fine of not more than
316 \$2,000.00 or imprisonment in a state prison for no less than 3 years, but, no more than 5 years, or
317 both, said fine and imprisonment. In the case of a post secondary education counselor or
318 psychiatrist, who fails to report said activities, shall also face permanent revocation of their
319 professional licenses by the appropriate professional licensure boards of their said profession.
320 Said psychologist or psychiatrist shall have the opportunity to have a hearing on the matter of
321 said permanent revocation of their licenses by the aforementioned boards and if unsatisfied with
322 the respective licensure board's decision, shall be afforded the right to further administrative
323 appeal within the respective licensing boards of psychology or psychiatry. Said professional
324 boards that revoke said licenses must be in the Commonwealth of Massachusetts. The boards of
325 licensure must inform the practicing post secondary school psychologist or psychiatrist in writing
326 of the date and time of the hearing on the matter and the allegations being made against them and
327 the right to representation by counsel in the matter. Upon reaching a decision by the boards of
328 psychology or psychiatry, said decision must be made in writing and in the case of an adverse
329 decision, included in said decision shall also be included the right to appeal, who to appeal to and
330 the time which one has to appeal the decision of the licensure boards of psychology or
331 psychiatry. In the event where a post secondary student threatens suicide, or is suspected of
332 acting suicidal, or acts suicidal or threatens violence, whether or not mental illness or psychiatric
333 disability is suspected, said student or staff member's right to confidentiality is deemed to be
334 forfeited, until the requisite reports are made and they are committed involuntarily to a

335 psychiatric facility or a correctional facility pending criminal proceedings in a court of law.
336 Doctor patient confidential relationship resumes when said patient is in therapy or is seeing a
337 psychiatrist, or both, on a permanent basis and that such treating psychologist and psychiatrist is
338 not affiliated with said educational institution or in private practice away from the campus of the
339 educational institution, or both. For the purpose of this act, threats of suicide, acts of suicide or
340 suspicion of suicidal behavior as pertaining to a school aged student in grade school, or a student
341 in post secondary education shall be deemed as juvenile violence, as they are still in school and
342 presumed to still receiving support from their parents or guardian or other family member during
343 their post secondary education.

344 In the case of threats of suicide, or suspicion of acts of suicidal behavior, or actual
345 suicidal behavior by a grade school student who has neither graduated from high school nor has
346 left grade school, whether the school setting is a day public or private elementary, middle, or
347 secondary school or that of a private elementary, middle, or secondary boarding school, it shall
348 be the duty of any staff member, whether a teacher, a caseworker, a junior housemaster, or a
349 junior houseparent, or a head housemaster, next in seniority or a head houseparent or a head
350 housemaster or a head houseparent, next in seniority, in the case of a boarding school, or a
351 guidance counselor, or a school psychologist or a school psychiatrist, or any administrator of a
352 grade school, or any other employed staff on the grade school level, to report said incidents of
353 threats of suicide, suspicion of acts of suicide or suicidal behavior on the part of a minor grade
354 school student, who has neither graduated high school, nor has left their grade educational
355 institution to law enforcement, the parents or guardian of the said student and the Department of
356 Children and Families. Said oral and written incident reports shall follow the aforementioned
357 proscribed manner as is the requirements of post secondary educational institution. In the case
358 where a minor child involved, in addition to reports being made to the school psychologist, the
359 school psychiatrist, the minor child's caseworker in the case of a special needs educational
360 facility, and the parents or guardian or an adult family member where the minor child resides,
361 said report of said threats of suicide, suspicion of suicidal behavior or actual suicidal behavior,
362 shall also be reported to the Department of Children and Families. Said information regarding
363 threats of suicide, suspicion of suicide, or actual suicidal behavior, a particular student shares
364 with the aforementioned professionals shall not be shared with any other students so attending
365 said grade school, by a guidance counselor, a school psychiatrist, a school psychologist or in the
366 case of a minor grade school special needs or disabled student, their caseworker. Any school
367 counselor, guidance counselor, school psychiatrist, or in the case of a special needs or disabled
368 minor grade school aged student's caseworker, who shares information about a particular
369 student's threats of suicide, or suspicion of suicidal acts or actual suicidal behavior with another
370 grade school student attending the same educational facility, shall at the time said information is
371 shared, report the aforementioned incidents so shared with other students regarding a particular
372 student's threats of suicide, suspicion of acts of suicide, or suicidal behavior to the parents or
373 guardian of the aforementioned suicidal student, and must also report the same to law
374 enforcement authorities, and the Department of Children and Families. Said reports of the same

375 shall be made in the aforementioned proscribed manner, as is the case of post secondary
376 educational facilities, and said written incident reports shall also be forwarded to the Department
377 of Children and Families, Law Enforcement and the child's parents or guardian. Said student still
378 in grade school at the age of 18 years of age at the time of said incident shall be deemed
379 temporarily psychiatrically disabled. Upon said oral reports, whether shared with another student
380 or at the time the suicidal student shares this information with staff, or at the time o f said
381 incidents involving talk of suicide, suspicion of suicide or actual acts of suicide, said student
382 must be transported by either police escort or an ambulance to an emergency room that has a
383 psychiatric care facility. Upon transportation to said psychiatric facility, the staff who has
384 witnessed said attempts of suicide or acts of suicide must be in immediate contact with the
385 administration of the school, who shall immediately notify the parents or guardian of said
386 student. Upon a grade school student being in knowledge of another student's threats of suicide,
387 suspicion of suicidal acts, or is a witness to any suicidal behavior, said student in said knowledge
388 of the same, must, in the accompaniment of another staff member employed at said grade
389 educational institution be in immediate contact with the head administrator of said grade school,
390 whether the grade school is a public day elementary, middle, or elementary school or a private
391 elementary, middle, or secondary boarding school. In the event any school staff or professional
392 who shares information with any other students regarding said threats of suicide, suspicion of
393 suicide or suicidal behavior of a particular student, shall be presumed to be a witness to the same.
394 Any student who is in knowledge of or is a witness or is presumed to be a witness to the threats
395 of suicide, suspicion of suicidal acts or actual acts of suicidal behavior who fails to report such to
396 the head administrator of any grade school, in which such event occurs shall face automatic
397 expulsion from said educational facility for a period of one whole calendar year. Said student,
398 alleged to know of the same and is either a witness to the same aforementioned event that
399 involves suicide of another student shall have the right to a hearing before the same
400 aforementioned authorities who preside over expulsion cases involving rape, molestation,
401 indecent assault, sexual assault, or other forms of sexual abuse, as previously mentioned in this
402 Juvenile Violence Act. In addition to any expulsion on the school level in the matter regarding
403 suicide of another student, said student, who is in knowledge of the same, either as a witness, or
404 had information shared to them, thus presuming them to be a witness to the aforementioned
405 matter may be subject to criminal prosecution in a juvenile delinquency proceeding in a juvenile
406 court for their failure to report such to the school's head administrator. In the case where the
407 student is age 18 or older and is in knowledge thereof, or is a witness thereof, or who is
408 presumed to be a witness thereof, by way of shared information shall in addition to any
409 expulsion on the school level be prosecuted for failure to report said events involving suicide of
410 another student to the head administrator of the school, where said event has occurred. Said
411 student 18 years of age or older who fails to report incidents of threats of suicide, by another
412 student or suspicion of suicidal acts by another student or actual suicidal behavior by another
413 student to which they were either a witness to or are in knowledge of said event or who is
414 presumed to be a witness thereof, by reason of information being shared to them by other staff

415 members so employed at said grade educational facility shall be construed to be a felony and is
416 punishable by a fine of \$1,500.00 or by imprisonment in state prison for a period of 3 years or
417 both, said fine and imprisonment. Any staff member employed in a grade school setting who
418 knowingly fails to report the aforementioned, as proscribed in this act shall face prosecution for
419 the offense of failure to report incidents of suicidal threats or intents of suicidal acts or suicidal
420 thoughts of that of a minor grade school student to the aforementioned persons so stated in this
421 act. Failure to report said shall be punishable by a fine of not more than \$5,000.00 or
422 imprisonment in a state prison for no less than 5 years, but, no more than 7 years, or both, said
423 fine and imprisonment. Misleading incident reports with misleading and or incomplete
424 information shall be construed to constitute violation of the aforementioned reporting
425 requirements. For the purposes of this act, suicide shall also take into account, thoughts of
426 suicide by a student so attending any grade public or private day elementary, middle, or
427 secondary school or private boarding elementary, middle, or secondary school. Any staff
428 member of the aforementioned grade school, who take it upon themselves to medicate any minor
429 student said to have thoughts of suicide or is acting suicidal shall also be said to be in violation
430 of the proscribed reporting requirements. Any guidance counselor, school psychologist, or school
431 psychiatrist who fails to make out the proper reports and fails to report to the aforementioned
432 people so designated in this act shall in addition to any school administrative action or criminal
433 action or both, shall be said to face revocation of their professional licenses by the appropriate
434 licensing authorities or boards that issued their license to practice said professions in the
435 Commonwealth of Massachusetts. Said revocation of licensure proceedings by said professional
436 boards shall be made in writing, detailing the allegations, the date and time of the hearing on the
437 matter and the professional's right to representation by counsel and the right to have witnesses
438 present and to present evidence in their case. Upon a decision of the aforementioned professional
439 board's decision to revoke the license of any said school guidance counselor, school psychologist
440 or school psychiatrist, said aforementioned professionals shall be also notified in writing of the
441 decision made by the licensing board and the right to appeal said decision and the amount of
442 time one has to request an appeal of said decision and also, their appeals procedures. In the event
443 any staff member employed by a grade school in the Commonwealth of Massachusetts whom
444 fails to follow the proper procedures In connection with a grade school students thoughts of
445 suicide, threats of suicide, suspicion of suicidal acts or actual suicidal acts, shall be permanently
446 terminated from employment at said grade school, where said incident is alleged to had
447 happened and said staff member so terminated from any employment for not following the
448 proscribed protocols in connection with issues of suicide by a grade school student cannot ever
449 be employed into another grade school within the Commonwealth of Massachusetts. The same
450 aforementioned failure to report suicidal thoughts, threats of suicide, or suspicion of suicide or
451 actual suicidal behavior on the part of grade school administrators shall apply. In the event that
452 the incident involves a special needs student or said grade school is designated as a special needs
453 educational institution for grade school aged disabled or special needs students, the caseworker
454 of the aforementioned disabled or special needs student shall also fall under the umbrella of the

455 same aforementioned procedures and reporting requirements in connection with thoughts of
456 suicide, threats of suicide, suspicion of suicidal acts or suicidal behavior of a grade school
457 disabled or special needs student.

458 No school authority shall take it upon them self to medicate said suicidal student. Said
459 medication shall be prescribed by a psychiatrist at the psychiatric facility that is not on the
460 campus and has no affiliation of any grade school within the Commonwealth of Massachusetts.
461 Upon the student's return to said educational facility, from hospitalization, the aforementioned
462 Individualized Behavioral Modification Educational Plan (IBMEP) shall be drafted and put into
463 effect, and such plan shall include provisions for the student to continue their education until
464 they leave or graduate, adequate supervision, and counseling services, which shall be conducted
465 by a psychologist and a psychiatrist of the parent or guardian's choice and that such treating
466 doctors shall have no affiliation with any elementary, middle, or secondary educational facility in
467 the Commonwealth of Massachusetts. Medication shall only be administered by the school under
468 the direction of the treating psychiatrist, if he/she prescribes any psychotropic medications to the
469 student, and must be done according to a written prescription in text format to the school nurse,
470 and the school, must also have written permission from the child's parents or guardian to
471 administer psychotropic medication. Said medication, while the student is at a public or private
472 day elementary, middle or secondary school shall only be administered by a school nurse and
473 must be done so in accordance with the written prescription of the prescribing physician or
474 psychiatrist and the written permission to do so, by the child's parents or guardian. In the case of
475 an elementary, middle, or secondary boarding school, psychotropic medication shall be
476 administered in the same proscribed manner, with the same proscribed requirements, and during
477 the school day, by a school nurse, when classes are in session, and after the school day,
478 psychotropic drugs, if needed while the child is in their dorm or cottage, shall only be
479 administered by the head housemaster or the head houseparent or the head housemaster, next in
480 seniority or the head houseparent next in seniority. In the case where a student takes prescription
481 drugs, whether psychotropic or any other form of prescription medication or over-the counter
482 medications, the parents or guardian of the child shall have the right to designate, who, in
483 seniority can administer the medication. In any event, a doctor's order must accompany said
484 permission of the child's parents or guardian of the name of the cottage or dorm staff in
485 seniority, or the head house staff, if so designated by the parent or guardian in writing. Each
486 doctor prescribing medication to a live in grade school student, must write their orders in text
487 format and a copy of said orders and written prescriptions, shall also be in text format. The
488 written permission of the child's parents or guardian to administer prescription and over-the
489 counter medications, also baring the name of the house staff in seniority, so designated in said
490 written permission to administer the medication to the student, the name of the student so be
491 given medication, the name of the cottage or the dorm that the student resides in, along with all
492 doctor's orders and prescriptions in text format .shall be made copies of and placed on the
493 student's health files and a copy of the aforementioned documentation shall also be given to the
494 head of the school, in the case where the grade educational institution is a boarding school. Any

495 grade school aged student 18 years of age or older shall have the right to administer their own
496 prescription or over-the counter or both medications in an independent manner, unless otherwise
497 deemed temporarily or permanently mentally incompetent to do so by a court of law and is
498 appointed a guardian by said court, as part of the incompetency decree. The same shall apply to
499 boarding grade schools and special needs grade schools. in the case where a student 18 years of
500 age or older is deemed mentally incompetent to administer their own medication and is
501 appointed a guardian by a court, said guardian shall have the same permission rights as otherwise
502 afforded to that of a minor grade school student. Said documentation of guardianship and mental
503 incompetency declaration shall be placed on the health records of the student by the school nurse
504 and a copy of all documentation shall also be given to the head administrator of the school, the
505 student attends. Proof of age shall be shown upon the presentation of a long form birth certificate
506 from the town where the student lives or was born. Said birth certificate proving age shall be put
507 on file in the student's health files and a copy of said shall be made and given to the head
508 administration of the school the student attends. In the case of a special needs educational
509 institution, said student must be trained on how to administer their own medication, starting on
510 their 18'th birthday and that all reasonable accommodations must be made to afford the student,
511 equal rights to handle their own medication on a level equal and comparable to that of other non-
512 handicapped students. Said disabled student, at such time shall not have been declared mentally
513 incompetent and appointed a guardian by a court of law at the time of administering their own
514 medications. In the event a student is 18 years or older and is taking medications, along with the
515 birth certificate, the student must also provide, in a text written format the doctor's orders of how
516 the medication is to be administered, and any written prescriptions, which also must be written in
517 text format and copies of all the aforementioned information shall be given to the school nurse or
518 school health department and the head administrator and a student 18 years of age or older shall
519 have the same copy of said doctor's orders and written prescriptions on hand themselves. In the
520 case where said student 18 years or older is attending a grade boarding school, whether said be a
521 regular prep school or that of a special needs school, within the Commonwealth of
522 Massachusetts, shall be provided a safety locked box, in which to store their own medications in.
523 The same provisions shall also apply to the taking of Over-The Counter medications. In the case
524 where said medications need to be refrigerated or frozen, said boarding school shall also provide
525 said student 18 years of age or older with a portable refrigerator that can be stored in their own
526 room and that can be locked with a padlock or a pad combination lock.

527 In the event that head administrator of any elementary, Middle, or secondary school
528 hands down the proscribed suspension on a Friday, the suspension is said to commence on
529 Monday and conclude in ten academic days from the Monday, which, the suspension is
530 commenced to be served.

531 The principal or the superintendent or headmaster of a public elementary, or middle or
532 secondary or the director or the president, in the case of a private elementary or middle or
533 secondary day or boarding school shall have both of the parents, and the victim of said rape,

534 molestation, indecent assault or other forms sexual abuse, and both of the parents of the
535 perpetrator present in a parent conference to the allegation of the aforementioned matter and
536 schedule that a hearing be held within 10 days of the allegation of said rape, molestation,
537 indecent assault or other sexual abuse. Present at said hearing on the allegation of rape,
538 molestation, indecent assault or other forms of sexual abuse, shall be the victim alleging said
539 acts, their parents, and an attorney of the victims' parent's choice, and the attorney representing
540 the above mentioned school and the alleged offender, their parent and attorney of the parent of
541 the alleged offender's choice. Both parties shall have the right at said hearing to present witness
542 testimony and evidence to support their case. The hearing in the case of a public or private
543 elementary, middle or secondary day or boarding school shall consist of the school's principal,
544 who shall preside and hand down disciplinary actions regarding rape, molestation or attempted
545 molestation or both, and two members of the town's school district, which the student attends,
546 which shall include the super intendent and the chair of the school district's school committee
547 and one other member of the school committee who shall determine the guilt or innocence of the
548 student who is alleged to have engaged in rape, molestation or attempted molestation, or indecent
549 assault, or any other form of sexual abuse, or both or all of the aforementioned offenses or in the
550 case of any private elementary, middle or secondary day or boarding school, the school's head
551 administrator who is either the principal or director or the president of said private day or
552 boarding school on the elementary or middle or secondary school level and two of the above-
553 mentioned chair person one other member of the school district's school committee or two
554 members of the school's board of trustees. The head administrator of said private day or
555 boarding elementary or middle or secondary school shall have the same said authority as the
556 public schools would otherwise have in cases of rape, molestation or attempted molestation, and
557 the two members of either the school committee or the board of trustees would hold the same
558 proscribed roles in determining the guilt or innocence of a student in an alleged rape, molestation
559 or attempted molestation, or indecent assault or any other forms of sexual abuse case.

560 In the case of an expulsion proceeding for alleged sexual abuse or rape, committed by a
561 minor Student, who is 12 years of age or older, requisite state of mind must also be taken into
562 consideration and must be determined based on the offender's Intelligence test, which
563 determines developmental disability, defined as an I.Q of 75 or under, and the child's capacity to
564 appreciate right from wrong. Both a school psychologist, and a psychiatrist who the parent must
565 bring the child to, and that said psychiatrist must be from a hospital setting outside of the school
566 setting shall perform this testing and evaluation. Such evaluation must also be seconded by a
567 psychologist or a mental health professional at said psychiatric hospital or facility not affiliated
568 with any school system within or without the Commonwealth of Massachusetts. The
569 aforementioned psychiatrist and the psychologist who seconds said evaluations shall not be
570 employed by any school district and not have any affiliation with any schools, whether public or
571 private.

572 said offender shall be required to accompany their parent(s) or guardian until he/she
573 reaches the age of 18 at the conclusion of the school day at Whichever new public or private day
574 elementary or middle or secondary school he or she may Attend, and, or at the conclusion of any
575 extra-curricular activities, or sports, or practice, or special religious instructions or any other
576 instructions, or all of the above, which the offender may be involved in. said alleged offender
577 shall also upon referral of the incident to Department of Children and Families, be turned over to
578 the juvenile authorities who may in addition to any expulsion or child must accompany parent
579 proceedings bring about formal criminal action alleging said rape, molestation, indecent assault,
580 or sexual abuse committed by a minor who is 12 years or older. In the case where said minor
581 who is alleged to have committed rape, molestation, indecent assault or sexual abuse onto
582 another minor child and the offender is 15 years or older, the juvenile court shall have said
583 offender treated as an adult in the adult criminal court system. The offender who is over 15 and
584 has been found guilty of rape, child molestation, indecent assault, or attempted molestation or
585 any other act of sexual abuse, committed onto another person shall be subject to imprisonment in
586 the appropriate state prison facilities for the amount of time as deemed under applicable state
587 law, and the imprisonment term shall be commensurate with the offence the offender has been
588 found guilty of in an adult criminal court. At the conclusion of said imprisonment, said offender
589 must register as a sex offender with the Board of Registered sex Offenders as deemed under
590 applicable state law. A juvenile 15 years of age, up to the age of 18, who receives a life sentence
591 for child rape, or child molestation shall have a chance at parole. A minor who is under the age
592 of 14 shall not be required to register as a sex offender with the Board of Registered Sex
593 Offenders. Any student 14 or over the age of 14, who is required to register with the Board of
594 Registered Sex Offenders must do so upon completion of their sentence to a juvenile detention
595 center or a jail. Any minor child age 12, but under the age of 15 shall be treated as a juvenile in
596 criminal case alleging rape, indecent assault, sexual assault or other forms of sexual abuse in a
597 juvenile court, which shall hold juvenile delinquent proceedings in such juvenile criminal
598 matters alleging sexual abuse.

599 Students alleged to have been an offender of rape, molestation, attempted molestation or
600 any violent acts of bullying, or hazing activity or any violence in connection with said rape,
601 molestation, attempted molestation, or indecent assault shall not remain on school premises and
602 must be suspended interim said hearing on said allegation of rape, or child molestation, or
603 attempted molestation, or indecent assault, or acts of physical, or sexual abuse or verbal violence,
604 or all of the aforementioned offense, In the alleged commission of said offense or offenses, until
605 said case has been disposed of. This provision shall also include bullying and hazing activities
606 where violence or a sex offense is associated with said bullying or hazing activity.

607 Said alleged student offender must than accompany their parent(s) or guardian while the
608 case is pending and said alleged student offender must have his/her school work with them at all
609 times, as it shall also be the requirement of the child's parent(s) or guardian to go to the school
610 and pick-up the child's school assignments. In the case of an elementary or middle or secondary

611 boarding school, the alleged offender's parent(s) or guardian must remain with the child in a
612 place designated in the town of the boarding school and by said boarding school which the
613 alleged offender attends to facilitate the child's receiving of their school work pending the
614 outcome of said case of rape, child molestation, attempted molestation, indecent assault, sexual
615 abuse, or sexual acts that involve verbal, or emotional violence, or both, or in a case where an
616 alleged offender 12 years or older, up till the age of 18 has engaged in violent physical or verbal
617 abuse or both onto another student. It shall be the responsibility of the boarding school to put the
618 parent(s) or guardian and the alleged offender up, pending said hearing on the above-mentioned
619 matter. If at the conclusion of said hearing, the student age 12 or older and has been found not
620 guilty on the school level the parent(s) or guardian of the alleged offender shall be re-imbursed
621 by the school for all of the accommodations regarding the overnight and boarding costs of both
622 the alleged student offender and the parent(s) or guardian of the alleged offender. In the case
623 where the alleged student offender has been found guilty, it shall be the responsibility of the
624 parent(s) or guardian of the student to re-imburse the school for the costs associated with the
625 overnight accommodations and boarding charges. This provision shall apply to students who are
626 12 years of age up until they reach the age of 18 years of age, of which at such time, it shall be
627 the sole responsibility of the student found guilty to re-imburse the boarding school for all costs
628 associated with accommodating the student during the pending of said sexual abuse or alleged
629 violent acts alleged to have been committed. The aforementioned boarding charges shall not
630 apply when the offending student has left the educational facility on a voluntary basis, without
631 graduating high school. In the event that said offender who is 18 years of age or older and is
632 developmentally disabled, the same parent(s) or guardian accompaniment provisions shall apply
633 and that the parent(s) or guardian of a developmentally disabled student offender shall have the
634 same responsibility of footing the boarding and accommodations costs, in connection with the
635 aforementioned pending case. In the case where the developmentally disabled student has been
636 deemed not to have engaged in said aforementioned offenses, the parent(s) or guardian o f the
637 developmentally disabled student shall have the same said right to re-imburement for costs
638 associated with the accommodations of boarding costs in connection with said pending case the
639 offense has alleged to have occurred.

640 For the purpose of the proscribed hearing and due process and accommodations provision
641 of this act, a parent shall be defined as a student's biological mother and father, step mother or
642 step father, custodial parent in the case of a separation or divorce decree, a grandparent as a
643 parent or an adopted mother and father or a guardian appointed for the care of the minor child by
644 a family and probate court. The same aforementioned definition of parent or guardian shall apply
645 to the whole Juvenile Violence Act in its entirety.

646 In the case where a student who is developmentally or psychiatrically disabled, and does
647 not have the intelligence to know right from wrong, or a child who does not know right from
648 wrong, when it is found that he had committed said rape, molestation, or any other form of
649 sexual abuse, or acts of physical or verbal or sexual violence towards another student or a staff

650 member employed in the aforementioned educational facility, said developmentally or
651 psychiatrically disabled offender shall be rendered mentally unsound on the school level and
652 must be removed to another day educational institution, where the offense had not taken place,
653 and that is staffed in a psychiatric facility and is to be in constant supervision throughout the day.
654 The same shall apply to an insane student who does not have the mental capacity to know right
655 from wrong, as a result of a psychiatric disability or mental illness. Said educational institutions
656 for criminally insane students and special needs students who commit acts of rape, molestation,
657 or other forms of sexual abuse, or physical or verbal or sexual violence shall be near a
658 psychiatric hospital. This shall be construed to mean civil commitment, and shall be construed to
659 hold a mentally disabled minor child who has committed acts of rape, molestation, attempted
660 molestation, indecent assault or other forms of sexual abuse or acts of physical, or verbal, or
661 sexual violence to the same level as any other non-mentally handicapped juvenile sex offender or
662 violent offender. Said removal or civil commitment shall remain in effect, pending an
663 Individualized Behavioral Educational Plan Meeting (IBMEP) meeting. Said plan of
664 Individualized Behavioral Modification Educational Plan (IBMEP) shall include in it, the
665 academic and other curricular requirements that the student must follow for promotion leading
666 up to graduation from High School. In the case of disabled or special needs students, reasonable
667 accommodations to achieve his/her educational goals shall also be included in said IBMEP. The
668 aforementioned Individualized Behavioral Modification Educational Plan (IBMEP) meeting
669 shall be deemed as a core evaluation or a termination meeting, or both.

670 In the case where developmental or psychiatric disability is raised, the school which the
671 alleged sexual or violent offender has been deemed to be developmentally or psychiatrically
672 disabled, the school must establish within two weeks of the finding of developmental or
673 psychiatric disability, an Individualized Behavioral Modification Educational Plan, (IBMEP), in
674 which both the victim and their parents in the case of the victim being under the age of 18 years
675 of age shall have a right with the presence of counsel of the victim's parent's choice to file a
676 petition as a stakeholder to an Individual Behavioral Modification Educational Plan meeting,
677 (IBMEP). The alleged offender's caseworker shall be in receipt of this petition upon
678 coordination of the meeting and must allow the victim, their parent(s) and counsel of their choice
679 to attend the meeting, unless said attendance has the potential of causing harm to life or body of
680 any of the attendees. In the case where the victim is 18 years of age or older, said victim shall
681 have the right to counsel of their choice in filing the above mentioned stakeholder's petition to
682 the Individualized Behavioral Modification Educational Plan Meeting, (IBMEP), unless such
683 attendance shall cause harm to life or body. The caseworker of the alleged special needs offender
684 must demonstrate that such attendance of the victim and their family or the victim him/herself or
685 the offender and their family or the offender him/herself is detrimental to the meeting based
686 solely on safety to life or bodily Injury after said caseworker of the alleged offender has taken
687 every step possible, including but not limited to court ordered medicating of the alleged offender
688 or victim prior to the above mentioned Individualized Behavioral Modification Educational Plan
689 Meeting, (IBMEP) and the rescheduling of the aforementioned meeting. Present at said

690 Individualized Behavioral Modification Educational Plan meeting, (IBMEP), shall include the
691 alleged offender, their parent(s), counsel of the offender's parent's choice, or in the case where
692 the offender is 18 years of age or older, the offender him/herself and counsel of their choice, the
693 victim of such sexual abuse or any violent act alleged to have been committed by the
694 developmentally or psychiatrically disabled individual, counsel of the victim's parent's choice,
695 or in the case where the victim is 18 years of age or older, the victim, him/herself, counsel of
696 choice, the offender's teachers and caseworker, a person from the town where the offender is
697 originally from, a school psychologist and psychiatrist who performed the original evaluation at
698 the aforementioned psychiatric hospital, and the seconding psychologist from the
699 aforementioned psychiatric hospital where the original impartial evaluation took place, to reveal
700 the intelligence test of the offender and any and all behavioral problems connected with the
701 offender, and, the principal or the president of the school, where the offense has alleged to had
702 taken place, and the staff of the new educational facility, which the developmentally or
703 psychiatrically disabled offender will be attending at said Individualized Behavioral Educational
704 Plan (IBMEP) meeting to coordinate and write into effect the plan of the offender prior to
705 permanent removal from the educational facility where the offense originally took place. The
706 said IBMEP requirements shall hold true for any developmentally or psychiatrically disabled
707 student or any behaviorally disabled student, who has been known to have a history of engaging
708 in any form of physical or emotional violent acts, including but not limited to hazing or any form
709 of sexual deviant behavior, including, but not limited to rape, indecent assault, sexual assault or
710 any other forms of sexual abuse, shall apply. In the case where the alleged offender or the victim
711 or both are deemed developmentally or psychiatrically disabled, present at the Individualized
712 Behavioral Modification Educational Plan (IBMEP) meeting, the developmentally or
713 psychiatrically disabled persons' guardian and counsel of the appointed guardian's choice shall
714 be present at said Individualized Behavioral Modification Educational Plan (IBMEP) meeting. In
715 the case where the school denies a victims' petition as stakeholder to an Individualized
716 Behavioral Modification Educational Plan (IBMEP) meeting, the school must put in writing that
717 all steps had been taken to prevent safety to life or bodily injury concerns as the sole reason for
718 denial. Confidentiality shall be barred as a defense to said denial of a petition of stakeholder to
719 an Individualized Behavioral Modification Educational Plan (IBMEP) meeting. Any school who
720 knowingly denies a stakeholder's petition to an Individualized Behavioral Modification
721 Educational Plan (IBMEP) meeting on the grounds of school internal policy or confidentiality, or
722 in any other manner deemed unlawful, to keep the offender improperly supervised or in the
723 school setting in an attempt or knowing manner, which allows said acts to continue without
724 proper supervision or behavioral modification, with the exception unpreventable jeopardy to the
725 safety of all parties involved. Said denial of an Individualized Behavioral Modification
726 Educational Plan (IBMEP) meeting shall cause to accrue an action against the alleged offender
727 for civil commitment to a psychiatric facility within the Commonwealth of Massachusetts, of
728 whom the victim, their parents and counsel of their choice in the case where the victim is under
729 the age of 18, shall have the right to pursue in a court of law. In the case where the victim is 18

730 years of age or older, the victim and counsel of the victim's choice shall have the same said right
731 to pursue civil commitment of the offender to a psychiatric facility in a court of law, with the
732 exception of a developmentally or psychiatrically disabled person who is 18 years of age or older
733 and has been appointed by a court, guardianship. In such case, the victim's appointed guardian
734 and counsel of the guardian's choice shall have the same right to petition a court of law for civil
735 commitment of the alleged developmentally or psychiatrically offender. The same stakeholder
736 rights to an Individualized Behavioral Modification Educational Plan (IBMEP) and civil
737 commitment rights shall be honored to any employee of a school setting who is a victim of said
738 violent acts of a developmentally or psychiatrically disabled student, even though they have no
739 direct contact in educating the developmentally disabled student. Said employee need only be a
740 victim of said violent acts committed by said developmentally or psychiatrically disabled
741 student(s). Written notice of the date, time, and the people to be in attendance at an
742 Individualized Behavioral Modification Educational Plan (IBMEP) shall be given to the
743 aforementioned parties and victim stakeholders involved in such meeting by the school's
744 principal or in the case of a private day or boarding grade school, the principal, or the director, or
745 the president of said private day or boarding school. In the case where a victim or the victim's
746 parents or guardian files a petition for civil commitment to a psychiatric facility of the
747 aforementioned developmentally or psychiatrically disabled offender of a violent act or sexual
748 abuse, notice shall be served by the sheriff's department that such petition of civil commitment
749 petition has been filed to all parties, including the offender, the victim or their parents or
750 guardians of both the offender and victim, any witnesses such as psychiatric staff, counsel so
751 chosen by both parties to represent them in said civil commitment proceedings, and all other
752 parties who had attended the said offender's original Individualized Behavioral Modification
753 Educational Plan (IBMEP) meeting on the matter. Said notice shall include the date and time of
754 the civil commitment hearing, the alleged offense, to which a victim or their parents or guardian
755 are seeking civil commitment against the offender for and any other due process rights the
756 parties have during said proceedings. Counsel of both the victim and the offender's choice or that
757 of the parents or guardians' choice of both the offender and the victim shall be provided by the
758 school district where the developmentally or psychiatrically disabled student offender of said
759 violent or sexual abusive behavior originally lives and shall be provided for the Individualized
760 Behavioral Educational Plan (IBMEP) petition and meeting or civil commitment petition and
761 hearing or both. counsel representing both sides shall only be paid reasonable and approved
762 attorney's fees as approved by the town or school district where the aforementioned
763 developmentally or psychiatrically disabled student so deemed to have engaged in said violent or
764 sexually abusive behavior originally lives. All the aforementioned Individualized Behavioral
765 Modification Educational Plan (IBMEP) meetings so stated in this act shall be held in a
766 "sequestered" manner, and the doorway where said meeting is taking place shall have a sign
767 posted that states, "This Is A Sequestered Meeting," No one with except the participants
768 involved in such allowed. The no one allowed provision shall apply to staff or students who are
769 not stakeholders of said Individualized Behavioral Modification Educational Plan (IBMEP).

770 Individualized Behavioral Educational Plan (IBMEP) meetings on the grade school level,
771 whether public or private day elementary, middle, or secondary schools or private boarding
772 elementary, middle, or secondary boarding schools shall apply to students who have reached the
773 age of 7-years-old and in the case of a sexual offense, 12 years of age or older, until graduation
774 from High School.

775 In the case where civil commitment is sought and granted, the school where the offender
776 had previously attended and where the offense had taken place, a person from the offender's
777 town and an evaluating psychologist and psychiatrist, who has no affiliation with any schools or
778 school districts within the Commonwealth of Massachusetts shall appear in court, along with the
779 victim of said sexual or violent offense, counsel of both the victim and the offender's choice to
780 draft an Individualized Behavioral Modification Educational Plan, (IBMEP). Such plan must be
781 incorporated into the decree of civil commitment to a psychiatric facility. In the case where the
782 victim and their parents in the case where the victim of such violent acts or sexual abuse
783 committed by a developmentally disabled student or in the case where the victim of such violent
784 act or sexual abuse committed by a developmentally or psychiatrically disabled student, or the
785 appointed guardian of a victim 18 years of age or older due to developmental disabilities,
786 expresses dissatisfaction to an Individualized Behavioral Modification Educational Plan
787 (IBMEP) on the part of the school where the offense had occurred shall cause to have said
788 developmentally or psychiatrically disabled offender civilly committed to a psychiatric facility
789 within the Commonwealth of Massachusetts. The same Individualized Behavioral Modification
790 Educational Plan (IBMEP) process in said court of law shall apply. The same aforementioned
791 Individualized Behavioral Modification Educational Plan (IBMEP) and civil commitment
792 procedures shall apply to students who have been deemed psychiatrically disabled and who
793 commit sexual abuse or other forms of violent acts. Said civil commitment proceedings,
794 including an Individualized Behavioral Modification Educational Plan (IBMEP) proceedings in a
795 court of law shall be deemed a "sequestered hearing" and signage on the door of the courtroom
796 where said is taking place shall state so.

797 In the event that a child of puberty age is to receive surgery or medical treatment on the
798 anal or reproductive organs of the human body, which shall include but not be limited to the
799 testicles, the Virginia, the ovaries, or the penis, including but not limited to circumcision, the
800 student's medical leave from a grade boarding school shall be said to commence two weeks prior
801 to said medical procedure. At the time of such leave, the effected student so having such
802 reproductive surgery or medical treatment shall be seen by the physician performing the
803 treatment or surgery, who must in turn explain to the child of puberty age the part of the
804 reproductive or private organ(s) of the human body that is being operated on or treated, by use of
805 a manikin or a paper doll that displays the parts of the human body. Upon completion of said
806 explanation of what is being operated on or treated, the child of puberty age must be evaluated
807 by both a psychiatrist and a psychologist who is either in private practice or at a hospital that
808 specializes in psychiatric care. Neither the psychiatrist nor the psychologist shall not be affiliated

809 or employed by any grade school, including but not limited to a day public or private elementary,
810 middle, or secondary school or an elementary, middle or secondary boarding school. Included in
811 said written evaluation, shall include whether or not the child of puberty age understands what is
812 happening to the reproductive or private parts of their body and any behavioral issues that might
813 be associated with said treatment or surgery. All shall be done in the accompaniment of the
814 child's parent(s) during such visits. A copy of the written explanation of the procedure from the
815 physician performing the procedure and the psychiatric evaluation shall be given to the parent(s)
816 or guardian of the child.

817 Upon completion of said medical procedure, said student shall remain absent from his/her
818 school for an additional academic week, which runs from Monday-Friday and said school where
819 the student attends must provide during such medical leave, alternative ways for the child to
820 receive their educational material during their medical leave of absence, whether it be the
821 provision of a tutor, permission for the parent or guardian to home school the child during such
822 time of medical leave or online participation in said lessons taking place during said medical
823 leave. In the case where a child is disabled, a written plan of reasonable accommodations must
824 be drawn up one week prior to the medical leave and implemented during such medical leave.

825 Upon the return of the student from said medical leave, the school, whether public or
826 private day elementary, middle, or secondary school or a private boarding elementary, middle, or
827 secondary boarding school shall develop an Individualized Behavioral Modification Educational
828 Plan (IBMEP) pursuant to a follow-up psychiatric evaluation to occur post operative by the
829 aforementioned psychiatric and psychological staff who is either in private practice or works at a
830 hospital that specializes in psychiatric care and is not employed or affiliated with any grade
831 school system, whether public or private. Said follow-up evaluation shall be done by the same
832 medical staff that performed the first evaluation of the child prior to the procedure. Said follow-
833 up evaluation shall be reduced to writing and a copy shall be handed to the child's parent(s) or
834 guardian and another written copy of the first and follow-up evaluation shall be presented to the
835 caseworker or the principal and school nurse to which the student is to return. Said
836 Individualized Behavioral Modification Educational Plan (IBMEP) shall be held on the first day
837 of the student's return to school from said medical leave and implemented within the second
838 academic day of the student's return. There shall also be included in said Individualized
839 Behavioral Modification Educational Plan (IBMEP) a provision for supervision of the student
840 and that such supervision shall remain in effect throughout the remainder of the academic year,
841 in which the procedure on reproductive or private organs of the student had occurred. This shall
842 hold true, whether or not the educational facility is a day public or private elementary, middle, or
843 secondary day school or a private elementary, middle, or secondary boarding school.

844 In the case where said student returns from the aforementioned medical leave as a result
845 of treatment or surgery on the human reproductive system or the private parts of the human body
846 to a private boarding elementary, middle, or day boarding school, present in the Individualized
847 Behavioral Modification Educational Plan (IBMEP) language shall include a written provision

848 that said student shall not room with any other student during the remainder of the academic year
849 and that the student shall be roomed with either a female staff member, in the case where the
850 child is a female or a male staff member where the child is male, who has been thoroughly
851 CORIED and SORIED in all states, including on the national level. Said staff member so
852 rooming with the student must be shown to the parents or guardian of said child to have no
853 criminal offenses against children in all states, including on the federal level and no sexual
854 offenses and are not registered on any state's sex offender registry and that of any sex offender
855 registry on the federal level. In either case, where there is established an Individualized
856 Behavioral Modification Educational Plan (IBMEP), the treating psychologist or psychiatrist, or
857 both shall not be affiliated what so ever with any grade public or private day elementary, middle,
858 or secondary school or any elementary, middle, or secondary boarding school.

859 In the event that there is no staff at the elementary, middle, or secondary boarding school
860 that can adequately room with a student who has returned into said boarding school from a
861 medical leave as a result of treatment or surgery on the child's reproductive or private parts of
862 their human body, the parent(s) or the guardian of the child shall be permitted to room with their
863 child for the remainder of the academic year and that said boarding school shall only charge to
864 the student's town which they reside, twenty percent (20%) of the tuition to cover the costs of
865 room and board and that this rate shall be prorated in proportion to the academic year, that
866 remains upon the student's return from their medical leave. These provisions shall be construed
867 to deal with planned and preventative surgery or treatment or both of the puberty aged student's
868 reproductive or private parts of the human body.

869 In the event that an emergency situation arise that a child of puberty age require medical
870 treatment or surgery or both to their reproductive private organs of the human body, said puberty
871 aged child shall in the case of a day public or private elementary, middle, or secondary school or
872 that of a private boarding elementary, middle, or secondary boarding school be placed in the
873 office or infirmary of the school nurse until the parents arrive to pick-up the student to have said
874 emergency treatment or surgery done on the aforementioned child's reproductive or private
875 organs of the body. In the case of a boarding elementary, middle, or secondary boarding school,
876 the student requiring said emergency medical treatment or surgery on the aforementioned
877 reproductive or private organs of the body shall be housed in either the school's nursing station
878 or in their cottage in one of the designated "infirm" areas with thoroughly CORIED and
879 SORIED staff members who live in the dorm where the student resides until the parent or
880 guardian of the child arrives to pick-up the student to have said emergency medical treatment or
881 surgery performed on the puberty aged child's reproductive or private organs of the human body.
882 This emergency provision shall take effect when the child or a qualified healthcare professional
883 has found either a lump or another form of irregularity of the puberty aged child's reproductive
884 or private organs of their body. Said emergency medical leave shall be construed to last one (1)
885 month to six (6) weeks and that the same evaluation, educational and Individualized Behavioral
886 Modification Educational Plan (IBMEP) provisions shall apply. Upon return of the student into

887 the school setting, the same supervisory and tuition provisions to the student's parent(s) or
888 guardian, should such have to remain with the student during the remainder of the academic year
889 to provide in-house supervision of said child who is a residential student of an elementary,
890 middle, or secondary boarding school. The school may charge either the student or the parent(s)
891 or guardian of the student, or all of the aforementioned student, parent(s) or their guardians for
892 any intentional damage done to the premises of the school or that of the school's property. The
893 collection of damages provision shall apply whether the student has returned from a planned
894 medical leave in conjunction with having preventative treatment or surgery on their reproductive
895 or private organs of the body or that of an emergency medical leave for emergency medical
896 treatment or surgery or both to their reproductive or private organs of the human body. The same
897 aforementioned requirements shall also apply to special educational facilities that specializes in
898 the education of disabled or special needs children, whether the facility that specializes in special
899 needs education of the disabled is a private day elementary, middle, or secondary school or a
900 boarding elementary, middle, or secondary boarding school, providing specialized educational
901 services for children with special needs or disabilities or both.

902 In the case where the student has been found guilty of a sexual offense in a boarding
903 elementary, middle, or secondary boarding school and is expelled for said sexual offenses, the
904 new educational facility the student attends shall not be a boarding school, whether within or
905 without the Commonwealth of Massachusetts.

906 In the case of an elementary or middle or secondary boarding school, in the
907 Commonwealth of Massachusetts, including but not limited to that of special needs boarding
908 schools where special education for persons with disabilities is provided; a head housemaster or
909 head houseparent shall have on hand a master key to the bedrooms of the sleeping quarters of
910 each student. When the head houseparent or head housemaster is not on duty, said master key to
911 the bedrooms of the sleeping quarters shall be handed to the houseparent or house master that is
912 next in seniority and a carbon copy of said master keys shall be made available to fire, police, or
913 rescue personnel. The head housemaster or head houseparent along with the director or president
914 of said elementary, middle, or secondary boarding school shall promulgate policies as to when
915 students attending said elementary, or middle, or secondary boarding school may enter their
916 bedrooms in the sleeping quarters and that such policies must include a provision that said
917 attending students may not enter their bedrooms in the sleeping quarters during daylight hours,
918 unless in the accompaniment of the head housemaster or any other house staff next in seniority,
919 or staff member who shall after the student has vacated his/her sleeping quarters for the school
920 day, by use of a walky talkie, or cordless phone, or a cell phone contact the head housemaster, or
921 the houseparent or house master, who is next in seniority to come with the master key to lock up
922 the student's bedroom in the sleeping quarters for the day until permitted back in to their
923 bedrooms in the sleeping quarters as designated by school policies and applicable law. For the
924 purposes of this act, a junior houseparent or housemaster shall be defined as a person over the
925 age of 21-years-old and must be enrolled in a master's degree program, where their major is in

926 the field of childhood education on the grade school level, or in master's degree program with a
927 major in special needs, including, but not limited to teachers for the blind or visually impaired,
928 an orientation and mobility instructor, a physical therapist, an occupational therapist, a math or
929 language teacher, including, but not limited to English, a math teacher, or a physical education
930 teacher. Said junior houseparent or housemaster must undergo a background CORI and SORI
931 check and must have no record of convictions of criminal offenses on a child under the age of 18
932 and said staff member working in said cottage or dorm shall also not be registered as a sex
933 offender on any state or federal board of registered sex offenders. A senior houseparent or head
934 housemaster and a head houseparent or head housemaster shall be at the age of 35-years of age
935 or older at the time of taking said position. The same background CORI and SORI checks shall
936 also apply to staff who is applying to be senior or head staff in a cottage or dorm in a grade
937 school on the elementary, middle, or secondary level. All staff members working in said dorms
938 or cottages must be paid salaries commensurate with experience and said hourly pay must be
939 above state and federal minimum wage requirements. Any staff who has issues with pay or
940 workload must present themselves to the school administration of said boarding school, and said
941 administration shall have an open door policy to allow for staff to discuss employment or pay
942 issues, free of retaliation for doing so. Any administrator who engages in retaliation based solely
943 on the basis of employment or pay issues with cottage or dorm staff shall face a fine of not more
944 than \$2,000.00 or imprisonment in a state prison for no less than 3 years, but, not more than 5
945 years or both said fine and imprisonment. All staff working in cottages or dorms of a boarding
946 school on the elementary, middle, or secondary level shall undergo drug testing and alcohol
947 testing, as sobriety, and unimpaired mental state and maturity shall be deemed an essential duty
948 and function of their job duties. Providing adequate supervision of school aged students in an
949 elementary, middle, or secondary boarding school shall also be deemed an essential function and
950 duty of their job. No staff member working in a dorm or cottage shall be involved in personal
951 activities, including, but not limited to studying, or panning any family events, with the
952 exception of an emergency or death of a family member, unless at the time of said personal
953 activity, they are off duty or have a day off or both. Said personal activity of cottage or dorm
954 staff must take place in a private location, either in their bedrooms, which shall be deemed their
955 sleeping quarters or at their home or at the college or university they are attending to receive
956 their master's degree in said field of education of school aged or special needs children. Any on
957 duty study of a cottage staff member, in the field of education shall take place as a teacher
958 trainee or internship in a classroom setting. All staff members working in a cottage or dorm
959 setting must also have been certified in first aid and CPR by the American Red Cross, prior to
960 employment.

961 Any first aid, or CPR, or rescuing of injured victim training of minor child who is of
962 school age shall be administered by the head of physical education or a school nurse or the local
963 fire department where the public or private day elementary, middle, or secondary school or any
964 private boarding elementary, middle or secondary school. Said training must be done via the use
965 of either a manikin of a human body that is not real, but contains the body parts of a real human

966 or by use of a paper doll that replicates a real human being and the body parts thereof. In the case
967 of disability, whether blind or sight impaired or partially sighted, a manikin replica of the real
968 human body that has tactile features shall be used in said first aid, CPR, or rescue training. No
969 cottage or dorm staff shall engage in this type of training nor organize any first aid, CPR, or
970 rescue clubs or any real life first aid, or CPR, or rescue missions, whether on or off campus. The
971 aforementioned first aid, CPR, or rescue clubs at a school, or any real life first aid, CPR, or
972 rescue missions shall be conducted by the head of physical education, a school nurse or the local
973 fire department where said school is located and that said organizers shall be present at all times
974 during such activity involving minor students. Establishments of said clubs or missions shall be
975 placed into writing and that any school aged student and their parents or guardian must sign an
976 anti-hazing and anti-sexual abuse and an anti-bullying and a statement that they will not engage
977 in any form of violent or threats of violence against another student or staff member. All shall be
978 included in this agreement. All said documentation shall be handed to the head administrator of
979 any public or private day elementary, middle, or secondary school or any private boarding
980 elementary, middle, or secondary school. The same anti-hazing and anti-sexual abuse, and anti-
981 bullying and the same statement that said statement that the students will not engage in any
982 threats of acts of violence onto another student or staff member statement and signatures to the
983 same aforementioned documentation of the student and their parents or guardian shall also be
984 required to any grade school aged student joining any other extra-curricular activities or
985 organizations that said grade school offers on the grade school level. The head administrator
986 shall have on hand at the beginning of each academic year and throughout each academic year a
987 list of all organizations and extra-curricular activities being offered to grade school students and
988 must also send a copy of said lists to all of the parents or guardians of school aged children.
989 Included in that list must also include the names of the staff members who will be running said
990 extra-curricular activities or school organizations and the job titles of the staff members doing so.
991 Any extra-curricular activities that involve performances during the evening hours shall be said
992 to conclude at 9:30:00 PM on academic nights and on weekends, 10:30:00 PM on. All students
993 involved in said extra-curricular activity shall be back on campus in the case of a boarding grade
994 school no later than 11:00:00 PM on academic nights and on weekends, no later than 12:00:00
995 AM. In the case of a day grade school, whether public or private, the same curfews as it relates to
996 extra-curricular activities shall apply. Parents and guardians of grade school students must be
997 notified 2 academic weeks in advance of such evening time extra-curricular activity taking place
998 away from the school premises. No staff members running the aforementioned extra-curricular
999 activities shall entertain students in their homes. Any cast parties or after parties must be held at
1000 either the school's campus or at the place where said performance is being performed and must
1001 not include any alcoholic beverages or any kinds of illegal drugs.

1002 Notwithstanding any school policy, or any to the same effect, sexual educational training
1003 in all grade schools, whether public or private day or that of a boarding school, to minor aged
1004 students so in attendance in said grade schools, shall be administered by either the head of the
1005 school's physical educational department, or a school nurse or the school's physician. No other

1006 staff member employed at said grade school other than the aforementioned head of physical
1007 education, or school nurse or school physician shall have this authority. In administering sexual
1008 educational instructions to students on the grade school level, the staff so administering said
1009 training may only use manikin replicas of the real human body or paper dolls that replicate the
1010 real human body. In the case of administering sexual educational training to disabled, or special
1011 needs, or blind or visually impaired or partially sighted students, manikin replicas that can be felt
1012 tactilely shall be used to facilitate a reasonable accommodation in administering sexual education
1013 to the aforementioned disabled or special needs student. In the case where a student is deemed
1014 developmentally disabled, the aforementioned staff members so designated to administer sexual
1015 education to a developmentally disabled student must do so at the developmental age, and not the
1016 physical age of said developmentally disabled student. The same tactile manikin replicas of the
1017 human body shall be used in said training. Prior to any student entering a sexual educational
1018 program, whether disabled or not, consent to doing so must be obtained by the student's parents
1019 or guardian, and as part of said consent allowing their son or daughter or the child to which they
1020 care for to participate in sexual educational training, the parent or guardian and the student must
1021 sign an anti-sexual abuse agreement to be handed to the head administrator of the school, and a
1022 copy of said consent and agreement must also be given to the instructor administering sexual
1023 educational training. Such agreement and consent to sexual educational training must be signed
1024 in the presence of a notary of the public and returned 10 days prior to the start of classes the
1025 academic year in which the student will be participating in said sexual educational training. Any
1026 parent who does not give said consent and does not sign in the presence of a notary of the public
1027 consent and the anti-sexual abuse agreement and does not have it returned to the head
1028 administrator of the grade school where the instruction is to be administered, shall bar their
1029 student from participating in sexual educational training until the following academic year, when
1030 said consent and anti-sexual abuse agreement has been signed, notarized and presented to the
1031 head administrator of the school. At the beginning of any sexual educational class, (the first day
1032 of), each student participant must be informed in writing by the administering instructor that any
1033 acts of sexual abuse onto another student or staff member constitutes mandated expulsion as so
1034 proscribed under this Juvenile Violence Act and that said student who engages in such may be
1035 subject to criminal prosecution and other civil liabilities in addition to any action taken on the
1036 school level. The student so participating in sexual educational training must also be advised by
1037 the staff member having the authority to administer sexual education that should a victim of
1038 sexual abuse first disclose an allegation of sexual abuse by a student years later, even after they
1039 had left or graduated, that said matter will be forwarded to the Department of Children and
1040 Families, in the case where the victim was a minor at the time and that such matter has actually
1041 alleged to occur on the school level will also be referred to the school's alumni association's
1042 board of directors, upon first disclosure and that if said aforementioned board of directors finds
1043 the student(s) guilty of any form of sexual abuse, that they will be expelled from campus visits
1044 and in loss of good standing despite any diplomas and academic or awards they had received for
1045 their academic performance or that thereof in extra-curricular activities while in attendance at

1046 said grade school. The same aforementioned requirements shall also apply to grade private day
1047 or boarding schools or grade schools that specialize in education of the disabled and special
1048 needs grade school students.

1049 The locks on each student’s bedroom shall consist of a lock on the outside doorknob
1050 itself, with on the inside of the door of the student’s bedroom, containing a latch in the inner
1051 doorknob that can be easily turned and opened in the event of a fire. The parents of each student
1052 attending said elementary, or middle, or secondary boarding school in the Commonwealth of
1053 Massachusetts shall at the beginning of each academic year receive from the director or the
1054 president of said elementary or middle or secondary boarding school a copy of the schools’
1055 policies regarding student entry and vacating of their bedrooms in the sleeping quarters during
1056 school hours. The boarding school’s administration shall also have the duty of promulgating
1057 policies as to when the students can and cannot be in the dorms or cottages and also must include
1058 in its policies provisions for inclement weather or what occurs when a student is sick. In the case
1059 of a student being sick, the elementary, or middle, or secondary boarding school shall have three
1060 rooms designated as “infirm rooms,” which can only be entered by thoroughly CORIED and
1061 SORIED staff members, or the town’s police department or the fire department in the district
1062 where the boarding school is located or trained EMT’S or ambulance crews to remove the “sick”
1063 person to a hospital. A parent or family member 18 years of age or older, as designated by the
1064 parent as to who will be caring for the child in the event of the parent’s death shall also have
1065 entry to the “designated infirmed” rooms in each dorm, which shall be monitored with updated
1066 video surveillance cameras in the hallways outside and within the areas of the “infirm” rooms
1067 so designated in each dorm to monitor for appropriate or inappropriate entrances and exits by
1068 other students or staff. At least one of the designated “infirm” rooms shall be located on the
1069 first floor to accommodate students with physical disabilities. There shall also be updated video
1070 surveillance equipment surrounding the entire sleeping quarter’s common area to monitor for
1071 appropriate or inappropriate entries and exits of the sleeping areas by students or staff. Both
1072 parents and students shall be made aware in writing by the administration of a boarding school
1073 that each dorm is equipped with video surveillance in both the hallways near the “Infirm
1074 Rooms,” and the common areas of the sleeping quarters in each dorm or cottage, where the
1075 students reside during the academic year. There shall be no video surveillance equipment located
1076 in the bedrooms or the bathrooms that students or staff uses unless a warrant to do so is sought
1077 from a court of law by law enforcement and or the family of an alleged victim of sexual abuse or
1078 violent crime, based on probable cause that a crime has been committed. Such video surveillance
1079 equipment in student or staff bedrooms or student or staff bathrooms shall only be used for
1080 investigation of criminal activity. At the conclusion of said criminal investigation, said video
1081 surveillance equipment must be uninstalled from the bedroom or bathroom that is in question by
1082 law enforcement authorities. Signage that the common areas (hallways) of the sleeping quarters
1083 are under video surveillance must be posted on the wall in a reachable place, so that students
1084 with disabilities can be able to read them. Said signage shall also be made in Braille or large
1085 print or in audible format, when technology advances to a point that such signage can be

1086 obtained in a cost effective manner. Updated video surveillance equipment must also be placed
1087 in the hallways and common areas of all school buildings where classes and instruction are being
1088 taught or administered. The same signage requirements shall apply. This shall be true for all
1089 grade schools within the Commonwealth of Massachusetts, whether public or private day or
1090 private boarding schools. Video surveillance may only be installed in classrooms, actual
1091 instructional areas or bathrooms by law enforcement and or family members of any student
1092 alleged to be a victim of a sexual act or violent crime, when a warrant is obtained from a court of
1093 law giving authority to do so upon probable cause that a crime has been committed and that such
1094 is needed to investigate criminal activity. The same removal of video surveillance equipment in
1095 private areas of the school buildings shall apply at the conclusion of said criminal investigation
1096 by the aforementioned law enforcement authorities.

1097 No school aged student, residing at a boarding school shall be placed in their bedrooms
1098 for any more than ten (10) minutes without the supervision of staff for disciplinary reasons. Said
1099 staff member working in a cottage or dorm that hands down such disciplinary action must remain
1100 nearby, and in the common area of the student's sleeping quarters, and must have on hand a
1101 timer to time the ten (10) minutes, and that said timer must contain an alarm that either emits a
1102 loud audible sound or a strong vibrating sound. When a student is sent to their room by any
1103 cottage or dorm staff member for disciplinary action, there shall be no other students
1104 accompanying them at the time said action is taken. When a student is placed in his/her room for
1105 disciplinary reason by a cottage staff member, said student's room shall not be locked by either
1106 the student or the staff member, so carrying out such disciplinary matters. For the purposes of
1107 this Juvenile Violence Act, the boarding school must consult with fire department officials to
1108 obtain the best practices of making said bedroom doors fire retardant or fire resistant.

1109 Upon receipt by the student's parents or in the case of a student being above the age of
1110 18, a copy of the school's policies on molestation and sleeping quarter's rules, including but not
1111 limited to the proscribed mandated expulsion or suspension code, each parent of a minor child
1112 attending said boarding school or a student, 18 years of age or older, shall have signed in the
1113 presence of a notary of the public a copy of the schools' policies regarding entrance and exiting
1114 the sleeping quarters, which shall include but not be limited in the above-mentioned mandated
1115 expulsion and suspension and molestation prevention training laws. And this copy of policies
1116 and procedures shall also include the school's dress code, which shall ban both female and male
1117 students from wearing tank tops or any other apparel that exposes the breast area of the body and
1118 in the case of females, bans the wearing of mini-skirts that are above the knees. Three repeated
1119 violations of the proscribed dress code and in addition to, dress codes set forth by either a public
1120 or private day or boarding elementary or middle or secondary school, shall result in a suspension
1121 period lasting no more than 3 days. In the case of a suspension being handed down on Friday,
1122 shall be said to commence on the Monday of the preceding weekend and shall be said to have
1123 been served upon the third consecutive academic day. Said proscribed signature requirements of
1124 the school's policies and including but not limited to the statutory anti student molestation and

1125 molestation prevention training, shall be completed within 10 days prior to each academic year.
1126 In the case that a suspension or expulsion is handed down under this anti student molestation and
1127 molestation prevention statute, the parents of the student so suspended or expelled shall bare the
1128 full costs of transportation to and from wherever the student attends school on the elementary or
1129 middle or secondary level in the Commonwealth of Massachusetts. This shall be construed as
1130 from the student's school to the place of employment or the home where the student and the
1131 parent(s) or guardian live or work. This shall be accomplished by either the parents coming to
1132 pick up the student him/herself or providing transportation to either the student's home or
1133 wherever the parents or guardian of the student are located at the time of issuance of suspension
1134 or expulsion unless, criminal proceedings has commenced against the student alleged to have
1135 either engage in acts of rape, indecent assault or sexual abuse. In the case where criminal action
1136 is to be taken, said student who is the subject of said criminal action shall be detained in the
1137 office of a security guard until the police has arrived to take the student into custody. At the time
1138 the police has arrived to take the student into custody, the head administrator of the school,
1139 which the student is attending at the time of said arrest, shall be notified by the security officer to
1140 come down to the security office. The head administrator of the school, upon the student being
1141 taken into custody by the police shall notify their parent(s) or guardian of said arrest.

1142 Upon the entry of any new student, no matter what their age or disabilities may be, the
1143 school, whether a public or private or boarding school shall within the first month of enrollment
1144 hold rape and molestation prevention training to instruct their students as to the difference
1145 between rape and molestation and what is not considered rape and molestation, or both, under
1146 applicable state laws. Said training must be in consistent with the age level or developmental
1147 level of the newly enrolled student(s) so present at said proscribed training. As part of these
1148 instructions, a student shall also be informed of the right to confide in their teacher or trusting
1149 staff member whether they have been raped or molested by another student or staff member of
1150 the school or think the same might be raping or molesting them. These instructions shall include
1151 but not be limited to the proscribed mandated expulsion of a student who engages in acts of rape,
1152 child molestation, indecent assault or sexual abuse onto another student. At the school's rape and
1153 molestation prevention training, newly enrolled students shall also be warned that if they engage
1154 in any said acts of rape, child molestation, indecent assault, or sexual abuse, that their cases may
1155 not become disclosed until years later, even after they have graduated or "left in good standing,"
1156 and that their cases at the time of first disclosure, years later, by a victim, must be forwarded
1157 onto the Department of Children and Families and the school's alumni associations' board of
1158 directors for action that can and will result in loss of "good standing." Rape and molestation
1159 prevention training shall only be instructed by the head of the school's physical education
1160 department, the school's nurse, and the chief of police of the district to which the school is
1161 located, whether or not, the school in which a student is newly enrolled into for the first time is
1162 an elementary, middle, or secondary public or day private school or an elementary, middle, or
1163 secondary boarding school, or both. A notarized signature of the parent or guardian who is
1164 enrolling their son or daughter for the first time, agreeing to rape and molestation prevention

1165 training must be obtain, along with a notarized and signed envelope shall be returned back to the
1166 principal of an elementary or middle or secondary public or private day school and in the case of
1167 an elementary or middle or secondary boarding school, the director or the president of said
1168 boarding school, 10 days prior to the first day of school of the newly enrolled student. A newly
1169 enrolled student shall not be officially enrolled into any school in the Commonwealth of
1170 Massachusetts until the school in which the student is enrolled to attend has received a notarized
1171 signature and notarized envelope with the parent's or guardian's signature consenting to rape and
1172 molestation prevention training. Age or inability to provide the proscribed legal required
1173 signature allowing for their son or daughter attending any elementary or middle or secondary
1174 school system in the Commonwealth of Massachusetts shall be barred as a defense to any
1175 truancy proceedings brought by the school district which the child 5 years or older, and until the
1176 school aged minor child reaches their 16'th birthday for failing to adhere to the proscribed
1177 enrollment requirements as deemed by applicable state truancy laws.

1178 The enrollment requirements shall also include but not be limited to the requirements as
1179 set forth in proscribed requirement of molestation prevention training. In the case where a parent
1180 or guardian providing said signature for their son or daughter to fulfill the requirements, upon
1181 enrollment into a molestation prevention instruction is either elderly or disabled, may bring along
1182 with him/her to a notary of the public, an assisting person to aid in providing the requisite
1183 signature agreeing to the proscribed molestation prevention instruction at the school their son or
1184 daughter is to be enrolled in. For the purposes of this section, the term "parent" shall be defined
1185 as the biological parents of the minor child, the foster parents of the minor child, the adoptive
1186 parents of the minor child, whether in or outside of the biological family setting, which shall
1187 include but not be limited to; grandparents as parents, aunts, uncle, cousins, brothers, sisters or
1188 any other relative deemed the foster or adoptive parent of said minor child, or in the case of a
1189 divorce, the court ordered custodial parent who has custody of the minor child during the first
1190 academic year, which their son or daughter is enrolled, or the minor child's guardian as
1191 appointed by a probate and family court. The same signature requirements shall also be legal and
1192 binding to any new student 18 or older, except that parental signature shall not be required unless
1193 the student is placed under guardianship by a court due to a mental or developmental disability
1194 and that said adult or guardian in the case of mental or developmental disabled student entering a
1195 new secondary school for the first time, must provide the proscribed notarized signature agreeing
1196 to molestation prevention instructions.

1197 In the case where a former student, later on in adulthood opens up for the first time to
1198 either the current principal or director or the president of said elementary or middle or secondary
1199 public or private day or any elementary, middle or secondary private boarding school, and to a
1200 mental health professional, including a psychologist or a psychiatrist, or both or a rape crisis
1201 center, and their family that they had been sexually abused as a student by another student, of
1202 whom the victim knew at the time of the alleged offense, who attended the same school as the
1203 victim, said disclosure of such event shall be reported to the Department of Children and

1204 Families, as though the victim and the alleged offender were a minor at the time of first
1205 disclosure of said alleged sexual abuse, which shall include but not be limited to rape, or child
1206 molestation, indecent assault or sexual abuse perpetrated by 1 or more of the alleged former
1207 students who were 12 years or older up till the student had graduated or left said educational
1208 facility at the time of said sexual incident and who had attended said elementary or middle or
1209 secondary public or private day or elementary, middle, or secondary boarding school, where both
1210 victim and the alleged offender had attended at the time said acts of sexual abuse had alleged to
1211 have occurred. Upon first disclosure by said former student victim of the aforementioned sexual
1212 abuse to the elementary, or middle, or secondary public or private day or elementary, middle, or
1213 secondary boarding school to the director or president or the principal who is currently serving at
1214 the time of said first disclosure, the head administrator of said elementary or middle or 200

1215 Secondary public or private day or elementary, middle, or secondary boarding school
1216 shall refer the names, addresses that are on file of the perpetrators alleged to be involved and the
1217 name and address of the victim alleging said sexual abuse to the board of directors of said
1218 elementary or middle or secondary public or private day or elementary, middle, or secondary
1219 boarding school's alumni association who shall in turn inform the offenders of such allegations
1220 of sexual abuse and to schedule a hearing on the matter before the board of directors of said
1221 alumni association. Said hearing must be scheduled within two (2) months of first disclosure to
1222 the school. Upon finding by two-thirds (2/3) of the board of directors of the elementary or
1223 middle or secondary school's alumni association that said incidents of sexual abuse had been
1224 perpetrated onto the victim, the offender of said acts shall be permanently expelled as a member
1225 of said elementary or middle or secondary public or private day or elementary, middle, or
1226 secondary boarding schools' alumni association and that said schools' board of directors of said
1227 schools' alumni association shall also have the authority to expel said offenders from returning to
1228 said school for visits. This shall not be construed to remove a graduate's diploma or any awards
1229 that he had received for academic or extra-curricular performance, prior to first disclosure of said
1230 alleged rape or other acts of sexual abuse.

1231 The same shall hold true for any honorary member who was a staff member in the dorm
1232 or cottage , where the incident had alleged to had taken place at the time or in the case of a public
1233 or private day school where said alleged incident took place at the time, shall also be
1234 permanently expelled as an honorary member of said elementary, or middle, or secondary
1235 schools' alumni association by reason of his/her job title as staff member supervising the dorm or
1236 cottage, at the time of said alleged incidents had taken place or in the case of a public day or
1237 private school, where said alleged incident had taken place, as said honorary alumni member
1238 shall be presumed a responsible adult under the provisions of said Juvenile Violence Act and
1239 other applicable school policies and laws that were enacted at the time of said alleged incidents
1240 of sexual abuse. at the time of said incidents of rape, or indecent assault or any other form of
1241 sexual abuse that had occurred between the students so living in that particular dorm that he/she
1242 supervised, or any act of said rape, or indecent assault or other forms of sexual abuse that

1243 occurred between students living in the dorm and students who are visiting the dorm to which the
1244 staff member supervised at the time of the incident.

1245 The same said procedures shall apply to any alumni association of an elementary, or
1246 middle, or secondary public or private day schools. For the purposes of this section of this act,
1247 the honorary member of the alumni association of the elementary, or middle, or secondary
1248 public, or private day school or an elementary, or middle, or secondary boarding school must
1249 have either been in knowledge that said violent acts of rape, sexual abuse, or any other kind of
1250 violent bullying, or abuse of another student, whether the violent acts were physical or verbally
1251 done to produce a threatening manner of sexual harm or violence. Upon a report to the school's
1252 alumni association's board of directors, whether day or boarding school, said victim shall have
1253 the right to confront their alleged attacker with representation of the victims' choice. The alleged
1254 offender shall also be afforded representation by someone of their choice to confront their
1255 accuser and their allegations. Failure to allow for such representation shall be construed to
1256 violate the due process clause of the United States Constitution. Both a victim of sexual abuse
1257 and the alleged offender shall also have the right to choose to have an attorney represent them
1258 during alumni membership proceedings on the issue of sexual abuse. A representative can also
1259 be a former teacher, who is an honorary alumni member in "good standing. The administrator or
1260 director or president of the school where the incident happened cannot represent either the victim
1261 or the alleged perpetrator. No alumni association's board of director's members shall not have
1262 any representation capacity in the case at issue.

1263 Upon the scheduling of a hearing before said alumni associations' board of director on
1264 matters pertaining to sexual molestation, rape, indecent assault or other forms of sexual abuse,
1265 written notice of the hearing date must be sent to both the victim of the alleged sexual abuse and
1266 the alleged perpetrator. The notice shall include, date of hearing, right to representation of both
1267 the victim and alleged offenders' choice, and the allegations of sexual abuse. Should the board of
1268 directors of said alumni association of either a public elementary, middle, or secondary school,
1269 or the alumni associations' board of directors of a private day or boarding elementary, middle, or
1270 secondary boarding school ban a member of their alumni association from visiting, or having any
1271 contact, or any benefits that go along with being a member of a school's alumni, said alumni
1272 board of directors shall provide written notice as well as oral notice of the ban handed down.
1273 Such written notice shall include the right to appeal their decision to the board of trustees of a
1274 private day or boarding elementary, middle, or secondary school, or in the case of a public
1275 school to the school committee. Such notice shall also include the length of time to make said
1276 appeal and shall also include the right to further appeals in the court system. In the case where it
1277 has been found that the victim was banned from said alumni association for giving false
1278 information about the alleged sexual abuse that had occurred, the same notice and appeal
1279 requirements shall apply. The aforementioned alumni associations' board of directors' hearing
1280 and that of the appeal hearing to the board of trustees in the case of a private day or private grade
1281 boarding school shall be held as a sequestered hearing in all matters involving sexual abuse.

1282 Any member of the mental health profession who humiliates the idea of representation of
1283 the victim or the perpetrator before an alumni association either for ban of membership or
1284 confrontation, as childish or in any other way negative shall be deemed grossly negligent per se
1285 and be civilly held liable up to an amount not to exceed \$50,000.00. A victim may have the
1286 option of sending a letter to the perpetrator of an alleged sexual abuse, but, such shall not take
1287 the place of oral confrontation with representation.

1288 Failure of said head administer of any public or private day or elementary or middle or
1289 secondary boarding school to report such allegations of rape, or indecent assault, or other forms
1290 of sexual abuse by a student 12 years of age or older onto another student or staff member, to the
1291 Department of Children and Families shall be fined no more than \$1,000.00 or imprisonment in a
1292 house of correction for a mandatory two-year sentence or both. The same shall hold true for any
1293 psychologist, physician, or psychiatrist, or teacher or anyone who has contact with minor
1294 children as part of either their profession or employment, unless the student age 12, but under the
1295 age of 15 years of age is going to the above-mentioned professionals who is not in affiliation
1296 with any grade school within the Commonwealth of Massachusetts, who are in the mental health
1297 profession and who are mandated reporters of such acts and is treating the offender, for his/her
1298 sexual deviant behavior. The offender shall be afforded treatment by said mental health
1299 professionals without penalty or threat Of a report being made, when the offender him/herself
1300 voluntarily admits guilt to a mental health Professional, not in affiliation or employment by any
1301 grade school, within the Commonwealth of Massachusetts and also does so to receive treatment
1302 for their actions on a voluntary basis. The fact that the offender has admitted guilt to the offense
1303 and has voluntarily committed to treatment for their deviant behavior shall be made in writing by
1304 the offender's parents in the case the offender is under the age of 18 years old or in the case
1305 where the offender is 18 years of age or older, the offender and the mental health professional
1306 must state this information in writing. The persons involved in said treatment of the offender of
1307 sexually deviant behavior must not be affiliated with any grade or secondary school within or
1308 without the Commonwealth of Massachusetts and must either be in private practice or working
1309 out of a hospital that offers psychiatric services or a psychiatric hospital.

1310 A victim of rape, or sexual abuse committed by a minor who is 12 year or older up until
1311 the age of 18 years of age shall have a right to civil damages under tort feaser laws up to no more
1312 than \$15,000.00, whether the incident was reported and opened up to at the time the original
1313 incident occurred or becomes disclosed for the first time by the victim of said act later on in
1314 adulthood The statute of limitations for such actions brought under tort liability for rape or
1315 indecent assault or other forms of sexual abuse or other forms of violent acts committed onto
1316 another minor shall be said to toll in 7 years from the date it was first disclosed, either at the time
1317 of the incident by the victim of such incident, or when the victim first discloses that said incident
1318 happened to them, later on in adulthood.

1319 Any public or private elementary or middle or secondary school or elementary or middle
1320 or secondary boarding school and or their alumni association who fails to expel or permanently

1321 ban any member of their alumni association or any honorary member for lack of supervision
1322 from their alumni association may be held civilly liable for failure to take such action against
1323 said offender or staff member said to had the responsibility of supervising the dorm or cottage at
1324 the time said incident had taken place and that the parties involved had in fact been found guilty
1325 by said alumni association's board of directors, in an amount not to exceed \$50,000.00, or when
1326 said offender has been found to have committed the act, or the allegations have been found to be
1327 true. The statute of limitations for failure of a public elementary, or middle, or secondary school
1328 or private elementary, or middle, or secondary school, or elementary or middle or secondary
1329 boarding school or its alumni association to take action against the perpetrator of such sexual
1330 abuse shall be said to toll in 5 years from time of first disclosure, and after said hearing has been
1331 held, whether the disclosure of sexual abuse by the victim of such discloses such incidents of
1332 sexual abuse by another student at the time of the sexual abuse or the victim first discloses said
1333 incident(s) later on in adulthood. In both cases, the aforementioned statute of limitations shall be
1334 said to begin to toll from date of first disclosure to a mental health professional, and the members
1335 of the victim's family, and the school's administration. The story must at time of disclosure be of
1336 consistent manner, and shall also be said to be further disclosed, if a victim recounts anymore
1337 details of the offender's actions. First disclosure to the school's administration shall be in
1338 writing, after an oral disclosure, with the potential for more information to come to light as the
1339 victim remembers it. For the purposes of this act, in the case of an elementary, middle, or
1340 secondary boarding school, the head housemaster or head houseparent, in the dorm or cottage to
1341 which the sexual abuse by another student who is 12 years or older, up till the age of 18 onto
1342 another student, shall be presumed responsible as though he/she is the parent of the student(s),
1343 who is under the age of 18 and is the alleged offender. Said head housemaster or head
1344 houseparent shall by reason of his/her designated job title; be held civilly liable for negligence in
1345 an amount not to exceed \$100,000.00. Said head housemaster in the case of a boarding school
1346 shall be presumed to know and make sure that there is adequate supervision in the sleeping
1347 quarters of such dorm or cottage, and shall also be presumed to know of any student clubs or
1348 games that are going on that could be a potential ruse to gain access to a younger child's genitals
1349 or other private parts, or the reproductive organs of a younger child's body, or the sleeping
1350 quarters, when the sleeping quarters are off limits during the school day.

1351 Upon an action brought against a student, for rape, indecent assault or other forms of
1352 sexual abuse, that has been committed, whether in a public, or private elementary or middle or
1353 secondary school or an elementary or middle or secondary boarding school and in the case of an
1354 elementary or middle or secondary boarding school against the head housemaster or head
1355 houseparent as an accessory after the fact for rape of a minor who is the perpetrator of such acts
1356 onto his/her victim, whether brought to the attention of school authorities or law enforcement or
1357 any kind of civil actions for said acts of rape, indecent assault or other forms of sexual abuse, the
1358 offender, nor his friends nor his family, nor the staff member, nor his/her family or friends nor
1359 any officials of the school where such offense occurred shall be barred from engaging in any
1360 kind of retaliation or embarrassment or any other form of emotional abuse in connection with

1361 said rape, indecent assault or other forms of sexual abuse. Whoever engages in any form of
1362 retaliation, embarrassment or other forms of emotional abuse or humiliation in connection with
1363 said rape, indecent assault or other forms of sexual abuse shall be fined no more than \$2,000.00
1364 or imprisonment in state prison for no less than 3 years or both and shall also face tort liability in
1365 an amount not to exceed \$25,000.00. The same shall hold true for any member of the board of
1366 directors of the alumni association to whom an action is brought before them against a member
1367 or members of the schools' alumni association to have said member or members or honorary
1368 members of said schools' alumni association to have said member or members or staff honorary
1369 members permanently expelled from said schools' alumni association in connection with any
1370 incidents of rape, indecent assault or other forms of sexual abuse committed by said member or
1371 members thereof, or in the case of lack of supervision, honorary staff members, who were head
1372 housemaster or head houseparent in the dorm or cottage where said incidents of sexual abuse
1373 had alleged to have occurred by any member or members of said schools' alumni association.
1374 Acts of retaliation shall be defined to include but not be limited to; banning a rape or sexual
1375 abuse victim from all of his/her rights and privileges to either his educational program or that as
1376 a member of the schools' alumni association, when the allegation of rape, or sexual abuse is first
1377 being presented to the aforementioned authorities or board of directors of said schools' alumni
1378 association, whether the incident is first reported at the time said acts occurred or is first
1379 disclosed by the victim later on in adulthood or once the incidents of said rape, indecent assault
1380 or other forms of sexual abuse have been proven to be true and did in fact occur.

1381 Records of such proceedings, including its finding by either the schools' authorities or
1382 that of the board of directors of the schools' alumni association shall be kept in a confidential,
1383 locked file and such records of said proceedings and findings shall be held in said locked
1384 confidential files for a period no less 40 years from time of conclusion of said proceedings or
1385 until the school and its alumni association has been dissolved and had been declared bankrupt
1386 under applicable federal laws by a federal bankruptcy court.

1387 A victim of rape, or indecent assault or other forms of sexual assault, in order to take
1388 legal action against said student offender, including action taken on the school level shall have
1389 said to had been disclosed for the first time, with the aforementioned authorities and including
1390 but not limited to a mental health professional and that of their family within the first 50 years
1391 since such abuse had occurred. Upon disclosure to the aforementioned school authorities where
1392 the incidents of sexual abuse, and a mental health professional and that of their family members,
1393 whom they can confide in, said victim shall have up to 7 years to pursue any criminal or civil
1394 actions against the offender and that of his/her parent, as at the original time of the offense, the
1395 offender was still a minor under the age of 18 years and was 12 years or older, up till the age of
1396 18. The statute of limitations for said criminal and or civil actions resulting from said sexual
1397 abuse shall begin to toll upon first disclosure by said victim to all of the aforementioned parties,
1398 including but not limited to the current administrative authorities who are currently employed at

1399 the school where said incident is alleged to have taken place, a mental health provider, treating
1400 the victim of said abuse and that of a family member the victim of said acts has confided in.

1401 For the purposes of this act, with regards to the aforementioned statute of limitations, any
1402 disclosures made prior to the passage of this act shall begin to toll when this act is signed into
1403 law by the governor of the Commonwealth of Massachusetts or becomes law by way of override
1404 by both the house and senate of the legislature of the Commonwealth of Massachusetts,
1405 otherwise known as the General Court. Upon first disclosure of said sexual abuse by a victim
1406 thereof, he/she shall once disclosed by said victim, the names of the offender or offenders, said
1407 victim shall have the right to know, in the case, where the victim has first disclosed of the alleged
1408 acts to the school authorities of the school which the incidents took place at, and in the case,
1409 where it has been disclosed later on in adulthood by said victim and that both the victim and the
1410 offender or offenders had graduated or left in good standing, the school where the offense took
1411 place, whether or not the offender or offenders are members of the schools' alumni association
1412 whether or not the offender or offenders of said acts, which happened 50 years prior to first
1413 disclosure, are still being invited to participate in on-campus alumni activities. Said victim of
1414 sexual abuse committed shall not use the aforementioned disclosed information as a means of
1415 retaliation, harassment or committing a crime against the offender or acts of discrimination,
1416 except for bringing such offender or offenders before the board of directors of the schools'
1417 alumni association for the purposes of having them permanently expelled from the schools'
1418 alumni association, in connection with the sexual abuse itself. In the case of a boarding
1419 elementary or middle or secondary boarding school, the same anti-retaliation or other forms of
1420 criminal activity or discrimination against the honorary member, who was at the time of the
1421 offense the head housemaster or head houseparent in the dorm or cottage where said incident of
1422 sexual misconduct occurred. Any victim who uses the above-mentioned information to engage in
1423 retaliatory or criminal acts or acts of discrimination against both the former student offender and
1424 the former head housemaster or head houseparent shall be fined no more than \$1,000.00 or
1425 imprisonment in a house of correction for no more than 2 years or both said fine or
1426 imprisonment.

1427 Any staff members, including but not limited to teacher's aides, house staff or school
1428 guidance counselors or student advocates or case managers who either come into knowledge that
1429 a sexual abuse might had been perpetrated onto another student attending the same school as the
1430 victim and offender, by way of confidence or are witnesses thereof, shall have the legal
1431 obligation to report said acts of sexual abuse or bullying or any other incidents that involve either
1432 physical or verbal violence or both to the school's administration. Failure of said staff to report
1433 the above-mentioned incidents to said school administrative officials shall be deemed
1434 automatically terminated from their respected professions and shall also be held criminally liable
1435 under applicable state and federal laws for obstruction of justice. In the case of prosecution for
1436 failure to report sexual or physical or verbal abuse to the school administration, tenure shall be
1437 barred as a defense in said criminal proceedings and termination proceedings. The same

1438 mandated reporting requirements and penalties and termination shall also apply to cases of
1439 hazing. Any head administrator who fails to terminate the employment of any teacher, teacher's
1440 aide, school guidance counselor, advocate or case manager shall face fines of no more than
1441 \$10,000.00 and imprisonment for no less than 5 years, but no more than 7 years in state prison or
1442 both said fine and imprisonment.

1443 The failure of a school administrator to terminate an employee who knowingly fails to
1444 report such acts of sexual abuse, violent acts, whether physical or verbal or both onto another
1445 student under the of 18 shall also hold said school liable under tort liability in an amount not to
1446 exceed \$20,000.00. Upon termination of employment of an employee of an elementary or middle
1447 or secondary school for failure to report such acts of sexual abuse committed onto another
1448 student or staff member or violent abuse onto another student or staff member, shall bar said
1449 employee from applying for a position of either teacher, teacher's aide, school guidance
1450 counselor, student advocate or case manager in another school or school district within the
1451 Commonwealth of Massachusetts. The same shall apply to school psychologist and school
1452 psychiatrist.

1453 All elementary, middle, or secondary schools, whether public or private, and whether day
1454 or boarding shall provide to the parents of newly enrolled students, and to the parents of
1455 returning students, statistical information regarding incidents of rape, molestation, indecent
1456 assault and other forms of sexual abuse, bullying, hazing, or any violent or sexual abuse in
1457 connection with any bullying or hazing, prior to the beginning of each academic year, whether
1458 the aforementioned sexual abuse, bullying, hazing or sexual or violent abuse has been alleged to
1459 have been committed or has been committed by any student or staff member employed by said
1460 educational facility as defined herein. Said statistical information must be validated by the chief
1461 of police in the town, which, the school is located. Failure of an administrator to provide this
1462 statistical information shall result in a fine of no less than \$1,000.00 or imprisonment in a house
1463 of correction for no less than 1 year or both.

1464 For the purposes of this act, an academic year shall be defined as the period running from
1465 September 1 till June 30 of each calendar year.

1466 Should any part of this act be deemed invalid or unconstitutional, the remaining parts of
1467 this act shall remain in effect.