

MASC Board of Directors Endorse Position Statement on Gun Safety

In the aftermath of the recent tragedy in Newtown Connecticut, student safety and school policies involving the use or possession of dangerous weapons on school grounds led the agenda at the MASC Board of Directors annual retreat earlier this month.

President Mary Jo Rossetti chaired a prolonged, thoughtful discussion on strategies to protect students and staff from danger posed by firearms and other weapons in schools. In addition to the members of the Executive Committee and the nine division chairs, a number of member districts also submitted ideas around violence prevention and control of dangerous weapons. Following considerable debate, the Board drafted and approved a Position Paper on School Safety, a model statement on gun policy and a letter to all member districts urging them to adopt the model statement and forward it to their Congressmen asking for their support. The formal Position Paper will be presented to members of the MA congressional delegation later this month in Washington DC during the National School Boards Association's Federal Relations Network legislative meeting.

Reprinted on pages 2 and 4 of this Bulletin is a letter to the membership from President Rossetti, followed by the position statement on gun safety and the Position Paper on Expanding the Safe and Drug-Free Schools Act.

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Legislative Update

(The following report was prepared by MASC General Counsel Stephen Finnegan, Esq.)

Several legislative initiatives relative to students and school districts have been signed into law by Governor Patrick in recent weeks. Summaries and key points are highlighted below.

AN ACT RELATIVE TO THE ANNUAL IMMUNIZATION AGAINST INFLUENZA FOR CHILDREN (H.3948) was signed by the Governor on January 8, 2013. DESE, through school districts, shall annually in August or September ensure that such information is distributed to parents of children attending secondary schools and early education programs.

AN ACT RELATIVE TO ACCESS TO EPINEPHRINE IN SCHOOLS (H.3959) was signed into law by the Governor on January 8, 2013. This law does not allow school districts to prohibit students with life-threatening allergies from possessing and administering epinephrine, in accordance with DPH regulations.

VIRTUAL SCHOOLS LEGISLATION (H.4274)

On January 1, 2013 the Governor signed into law An Act Establishing Commonwealth Virtual Schools. The main portion of this bill will take effect on July 1, 2013.

As you may remember, nearly a year ago MASC informed the membership of strong legislative support for a virtual schools bill, and we assured you that MASC would work with the legislative leadership to redraft various sections of the legislation. Our chief

goal was to secure a certain number of schools for operation by public schools and collaboratives. This goal was addressed by capping the number of virtual schools at ten, and the legislation requires that the first six schools selected between 2013-2019 shall be operated by public schools or educational collaboratives, for a term of 3 to 5 years. There are two exemptions to the 10 schools cap, the first of which applies to a single school district operating a virtual school that enrolls only students residing in said district, and secondly, two or more public school districts or educational collaboratives; provided that the district or collaborative only enrolls students who reside in said districts.

MASC also highlighted the tuition amount as a major issue, which the original bill set at 75% of the foundation budget. Based upon our advocacy, the tuition for virtual schools is the school choice amount (\$5000.00). DESE, in consultation with the operational services division, may approve alternative tuition amounts proposed by applicants that shall not exceed the state average per pupil foundation budget for students in the same grade and classification. We consider school choice tuition to be appropriate and only in unusual circumstances may this amount be exceeded.

Pursuant to MASC's recommendation, the Joint Committee on Education may hold a hearing on DESE's virtual schools regulations. You will find the complete version of H. 4274 on the MASC website.

AN ACT RELATIVE TO BACKGROUND CHECKS (Chapter 49 of

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SCHOOL SAFETY

Expanding the Safe and Drug-Free Schools Act and Other Strategies to Protect Students, Including Banning the Sale of Assault Weapons

Many provisions of the Safe and Drug-Free Schools Act establish programs to help protect students at all levels. These include grant programs to implement policies and action steps designed to secure facilities and protect children in a variety of ways. In one significant way, these strategies fall short.

The recent tragedy in Connecticut has, once again, demanded that we focus on school safety and, in particular, the protection of students and faculty from the danger posed by firearms and other weapons in schools. We recognize that there is no inherent rationale for anyone other than an appropriately authorized public safety officer to bring a weapon into a public school, but current law is insufficient to deter this possibility.

Of course, it is naïve to believe that state or federal law or district policy prohibiting the possession of a weapon in school will guarantee the safety of the many students and adults who use the buildings and grounds every day. We also recognize that it may be impossible to identify every potentially dangerous student or citizen but we believe that reasonable and practical national, state and local policies for school safety can reduce the threat of violence and use of weapons, particularly firearms.

We believe that limiting access to weapons to those with a legitimate reason to possess them and to prevent those individuals who pose a danger to others from obtaining weapons is the most effective public policy. We reject the notion that staffing schools with armed security personnel is the most effective strategy, but we maintain that local school committees can make informed decisions about the best ways to protect students based on community standards and practices and oversight of district and municipal government.

We also recognize that public safety includes not only school and law enforcement action, but also the support of the network of public health, social services and family services resources and personnel. The safety of all students and school personnel requires the coordinated work of educators, counselors, health care providers, public safety officers and community leaders.

We call upon the federal, state and local governments to address school safety and gun violence in the following ways:

1. Pass legislation to ban the sale, possession and use of assault weapons with appropriate law and incentives at the federal, state and local level. Establish law and implement regulations to require that all firearms be registered and that all those who possess a firearm shall be licensed to own and carry it by the federal, state or local government.
2. Where authorized, require school districts to establish policies on school safety relative to firearms or other weapons. School policies on weapons safety shall address:
 - Prohibitions on unauthorized weapons in school.
 - Education of all students and school personnel relative to unauthorized weapons and district policies.
 - Implementation of strategies for student and school safety.
 - Deployment of effective and locally appropriate discipline and sanctions for those carrying weapons in school.
 - Placement of signage to indicate the school safety zone and school safety policies.
 - Professional development for school personnel and students to identify individuals who may be potentially dangerous to others or who may be vulnerable to violence at the hands of others.
3. Retention of public health and mental health professionals to serve as advisors or consultants to district personnel in identifying and addressing student behavioral issues that may result in subsequent detrimental behaviors.
4. Authorization of gun and weapon-free school zones and establishment of penalties for possession or use of an unauthorized firearm within the zone. The zone shall include the school building, grounds, bus stops and playing fields.
5. Establishment of a police and community relations protocol to ensure accurate reporting, rapid response, and resource utilization.

Out of District Vocational Technical Tuition Payments

The following explanation of this recently enacted, but postponed revision to the way districts pay for students who attend vocational or agricultural schools other than in the vocational district where the student resides, has been prepared by MASC Executive Director Glenn Koocher and General Counsel Stephen Finnegan with assistance from John Creed of the Silver Lake Reg. School Committee.

This legislation was incorporated into the FY 2013 state budget through an outside section (89) as follows:

Out of District Vocational Technical Tuition Payments

SECTION 89. Section 7C of said chapter 74, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Notwithstanding section 27C of chapter 29 or any other general or special law to the contrary, for each nonresident student admitted to and attending an approved vocational school under section 7, the student's town of residence shall pay to the vocational school a tuition fee as determined by the commissioner; provided, however, that if the student's town of residence is a member of a regional vocational school district, the tuition fee shall be paid by the district. If the town or district defaults on payment, the town or district shall be liable therefor in contract to the vocational school. For the purposes of this section, no town or district shall be required to pay any portion of the tuition for a student enrolled in a post-secondary vocational program.

SOME KEY DEFINITIONS AND CONCEPTS

For the purpose of this memorandum, certain definitions are important: "Regional Vocational Technical School District" refers to a special form of regional district that exists solely to operate vocational and technical curricula under Chapter 74

of the MA General Laws. These districts are also known as Chapter 74 districts. Many city and town school districts, as well as non-vocational regional districts are also members of vocational technical school districts.

"Agricultural Schools" are special vocational schools that focus on agricultural and other curricula. There are four such schools in Massachusetts including Essex Agricultural (county), Bristol Agricultural (county), Norfolk Agricultural (county) and Smith Vocational and Agricultural School (Northampton).

"Municipality" refers to the city, town or a regional school district that operates a general or comprehensive school district. Most municipalities are also members of Chapter 74 Regional Vocational Technical School Districts.

"Out of District Placement," for the purposes of this explanation of Section 89, refers to a situation where a student in a municipality wishes to attend a Chapter 74 or Agricultural School in which the sending municipality is NOT a member. Students in this situation are covered in Section 89 as "... (a) nonresident student admitted to and attending an approved vocational school under section 7."

WHAT SECTION 89 DOES

Section 89 changes the way cities and towns are assessed tuition charges for their students who attend vocational technical schools or state agricultural schools outside of the regions in which the municipalities participate.

Currently, Chapter 74 schools assess their member communities based on a formula wherein the billing rate is established in the regional agreements and IS usually a function of the percentage of students from each city and town who attend the particular vocational schools.

There are about 300 students in Massachusetts who wish to attend Chapter 74 programs or agricultural schools in which their home districts are not members. Currently, the municipality must pay a special tuition rate assessed by

the receiving school in such a case. In some cases, the students attend an out-of-district vocational program to participate in a particular curriculum that is not available in the Chapter 74 School where their districts are members. The most popular examples are agriculture, biotechnology, plumbing, animal science, and a few others that are unavailable locally.

Under the provisions of Section 89, responsibility for payments to out-of-district students would become the responsibility of the regional vocational school district in which the student's city or town is a member and not the sending city, town or regional itself.

This creates a significant change: the cost of out-of-district vocational or agricultural placements would become the shared responsibility of the Chapter 74 district of which the cities and towns are members rather than the responsibility of the sending cities and towns. (There is some concern that ambiguity within Section 89 leaves the actual calculation in question.)

WHAT IS THE CONTROVERSY

Reason 1: Section 89 requires all districts in the Chapter 74 region to share in the costs of out-of-district placements. **Here is an example:**

Town X has three students who want to study biotechnical science, but this curriculum is not available in the Great River Vocational Technical School District where Town X is a member. They enroll in Valley Tech which offers such a curriculum. Town X pays Valley Tech the tuition rate for each student (\$21,000 per student). Town Y has no students who wish to enroll out-of-district, so there is no cost to Town Y for these students to attend Valley Tech.

Under Section 89, however, the \$63,000 tuition costs would have to be paid by Great River Vocational Technical School, the school in which Town S is a member. This expense would now be shared among all the members of Great River.

Reason 2: Originally, this proposal

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Dear School Committee Members:

In the wake of the recent tragedy in Newtown, Connecticut, many Massachusetts School Committees have begun thorough reviews of their school and student safety policies that involve the use of dangerous weapons.

Many members have shared their thoughts and many insightful suggestions were put forward. Several school committees have asked that MASC develop a model resolution that can be shared with the Congress as the new session begins in Washington and as President Obama plans for the Administration's response to the issue of weapons in schools.

For your consideration, I have included two documents for your review. The first is a model resolution that your school committee might consider and forward to your Congressman asking for his/her support. We are particularly grateful to the school committee members from Berkshire County and the Southborough School Committee who inspired the development of this document.

The second document is a position paper on safe schools that we will present later this month to the Massachusetts Congressional Delegation during the national Day on the Hill in Washington sponsored by the National School Boards Association. It is one of several important federal priorities for MASC this year. All of them will be posted on the MASC web site at www.masc.org. You may access the site directly and enroll in the "members only" section by using the passcode "welcome2MASC."

Thank you for your attention and hard work on this important issue. We look forward to working with you on this and all the other issues that are so vital to the education and well-being of our students.

Yours truly,
Mary Jo Rossetti
Somerville School Committee
President, MASC 2013

Model School Committee Position Statement on Gun Safety

In our role of responsibility in securing the safety of our school facilities and the protection of our school children, the _____ School Committee urges the U.S. Congress to adopt legislation to:

ban the sale and the possession of military-style assault weapons, ban the sale and possession of high capacity magazines, and require every gun buyer to pass a criminal background check.

Moreover, we urge the National School Boards Association (NSBA) to support this effort.

Given that we support the right of local school committees to make informed decisions regarding school security and that these decisions should be made at the local level, the _____ School Committee urges the rejection of the NRA assertion that staffing schools with armed security personnel is the most effective strategy for protecting our children.

January 2013

Position paper

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6. Enactment of state and federal criminal sanctions upon anyone in possession of a weapon or firearm in a school, subject to appropriate oversight by the courts.

7. Provide national aggregation of best practices to help local districts make informed decisions about bullying and other behaviors that may trigger violent reactions through the various strategies in place to help students at risk.

8. Provision of appropriate behavioral health services to be covered under Medicaid for eligible students who may pose a threat to others.

9. Inclusion within the appropriate curricula for professional development for school faculty to help identify students who may be at risk for perpetrating acts of violence against others.

10. Recognition that gun violence is as much a public health issue as a public safety problem and should be incorporated into the curricula for student health and safety education with federal monetary support.

Legislative Update

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the Acts of 2012) was recently signed by the Governor and will take effect commencing with the 2013-2014 school year. School districts shall obtain a state and national fingerprint-based criminal background check for the purpose of determining the suitability of current and prospective employees of the school department who may have direct and unmonitored contact with children. DESE shall promulgate regulations and will issue a question and answer advisory on the implementation of this bill. MASC has been asked to review and comment on these matters by DESE. The applicant shall pay a fee for operating and administering a fingerprint-based criminal background check system, provided that such fee shall not exceed \$55.00 dollars for employees who are certified and shall not exceed \$35.00 for employees who are not subject to certification.

CHAPTER 222 OF THE ACTS OF 2012: STATUTORY CHANGES TO STUDENT DISCIPLINE

As you are aware, legislation has been filed for some years to significantly modify student discipline procedures under M.G.L. c 71, §§ 37H and 37H 1/2. Chapter 222 does not take effect, except for Section 11 thereof, until July 1, 2014. MASC, along with other education groups, was able to eliminate any proposed changes to Section 37H, concerning assaults, weapons and controlled substances and Section 37H 1/2 (felony charges), except for the continuing education requirement referenced below. Section 11 requires DESE to issue a report on the cost of the implementation of this act not later than November 30, 2013. One of the major changes to current law is the requirement that upon suspension or expulsion, a student shall continue for the duration of their exclusion from school to receive educational services (the SJC in a case involving the Quincy School

Committee held that school committees are not responsible for providing education to students excluded from school). Principals shall ensure these students have an opportunity to make academic progress during the period of suspension or expulsion, to make up assignments and earn credits missed, including, but not limited to, homework, quizzes, exams, papers, and projects missed. Education service plans may include, but are not limited to, tutoring, alternative placement, Saturday school and online or distance learning. Instructional costs associated with providing alternative educational services under this section shall be eligible for reimbursement under section 5A of chapter 71B, subject to appropriation. The reimbursement shall be in addition to amounts distributed under chapter 70 and shall not be included in the calculation of base aid, as defined in section 2 of said chapter 70.

Districts shall report to DESE the specific reasons for all suspensions or expulsions. Furthermore, DESE shall investigate and recommend and incorporate intermediary steps prior to the use of suspension or expulsion for each school that suspends or expels a significant number of students for more than 10 cumulative days in a school year.

A new section 37H 3/4 shall govern suspension and expulsion of students not charged under sections 37H and 37H 1/2. This new section imposes an obligation on administrators when deciding the consequences for the student charged with a disciplinary infraction not covered by the above-referenced sections, to exercise discretion by considering ways to

reengage the student in the learning process, and avoid using expulsion as a consequence until other remedies have been employed. Chapter 222 requires due process notice of the charge(s) and the reason for the suspension or expulsion in English and the primary language spoken in the home of the student. Also, the student shall receive written notice and an opportunity to meet with an administrator to discuss charges and reasons for the suspension or expulsion prior to such disciplinary action taking effect. The administrator shall ensure that the parent is included in the meeting, and such meeting may only take place without the parent if the administrator can document reasonable efforts to include the parent in the meeting. If a student under Section 37H 3/4 has been suspended or expelled for more than 10 school days cumulatively for multiple infractions or for a singular offense, he may appeal the suspension, which shall remain in effect prior to the results of an appeal hearing.

At such hearing the student shall have the right to present oral and written testimony, cross examine witnesses, and shall have the right to counsel. No student shall be suspended or expelled from school for more than 90 school days.

The school committee shall have a pupil absence notification program in each of its schools. An exit interview with the student and parent shall be conducted with any student who has stopped attending school and has not graduated. MASC has posted Chapter 222 on its website.

APRIL 30, 2013

MASC DAY ON THE HILL
The State House, Boston

SAVE THE DATE



Tuition payments

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would have created a cost shift that would have imposed significant new assessments for some member cities and towns now required to share the costs while, at the same time, it would have relieved some cities and towns that are currently liable for the tuition costs only for their own students. Many cities and towns were unprepared for the impact of the change.

The effect of the change was put off for FY 2013 by delaying the implementation of Section 89 to FY 2014. We have been informed that the sponsors are eager to try to work out a resolution to the objections and plan on an additional year's delay to FY 2015. This bill was introduced as a form of municipal relief. However, the interest it has stimulated may generate modifications and further delays.

WHY DID THIS ISSUE EMERGE IN THE FIRST PLACE

The supporters of this proposal are largely those cities and towns who would benefit from the cost sharing principle while opponents are those districts who would be adversely affected. About 75% of all students who would be affected attend Agricultural Schools. In some cases, tuition and transportation costs can run as much as \$30,000 or more per student which

is a significant expense for a small town.

There is an argument offered by sponsors (refuted by opponents) that Section 89 would encourage some of the state's cities and towns who are not parts of regional technical school districts to join one.

The sponsors also note that the willingness of the legislature to "hold harmless" the Chapter 70 allocations of school districts would provide some cushion against the cost of additional assessments since the state financial assistance would not be reduced for the loss of the students.

Unrelated to Chapter 70, districts are reimbursed for 15% of the cost of transportation for out-of-district vocational and agricultural schools.

STRATEGY GOING FORWARD

Opponents of the bill are hopeful that further delays will provide an opportunity to rescind the bill as more districts rise in objection. In the meantime, it is highly likely that a two-year delay will give sufficient time to work out the problems with the section, if it indeed survives the opposition.

WHY THIS ISSUE IS IMPORTANT, BEYOND VOCATIONAL STUDENT ASSIGNMENTS

Interestingly, a similar debate may be forthcoming if an analogous strategy is developed to deal with Special Educa-

tion costs. Several small communities into which severely learning disabled person have moved and where the cities or towns must absorb extraordinary costs have begun to argue for sharing the risk among all other districts. They ask why a particular town should bear extraordinary costs when a severely disabled student happens to live there, rather than having the state distribute the costs equitably across the Commonwealth. They note that employers in a small town do not have to bear the burden of extraordinary health care costs for particular patients, but taxpayers in the same community must bear the cost of extremely expensive special education cases.

UPCOMING EVENTS

January 30 (W)

LOCAL AID: SUSTAINING
VIBRANT LOCAL COMMUNITIES
Suburban Coalition
Newton Marriott, Newton

February 7 (Th)

DIVISION III MEETING
Charlie Horse, West Bridgewater

February 9 (Sa)

DIVISION V EVALUATION AND
ASSESSMENT WORKSHOP
Greenfield Middle School,
Greenfield

Massachusetts Association of School Committees

One McKinley Square

Boston, MA 02109

www.masc.org