

Massachusetts Advocates for Children



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H. 3435: An Act to Help Students Stay in School

A Call to Action - WE NEED YOUR HELP!

Too many Massachusetts public school children are excluded from school too often and for too many school days. In the 2007-08 school year alone, school districts reported to DESE that approximately 35,000 suspended students experienced the loss of an educational opportunity in the Commonwealth for one day or more, many of whom are suspended for offenses which do not threaten the personal security of students and staff in the school. In line with MAC's advocacy efforts for children excluded from Massachusetts schools, MAC convened a coalition of attorneys and advocates who took a lead role advocating for H. 3435: An Act to Help Students Stay in School, which was filed by Representative Alice Wolf and two dozen other legislators at the beginning of the current legislative session and remains before the Joint Committee on Education for action. The Committee is now considering a revised H. 3435 that is also supported by the coalition of attorneys and advocates.

H. 3435, as revised, aims to provide students with the due process protections necessary to ensure that they are not being deprived of an education for days or weeks at a time without good reason. In addition to ending permanent exclusions in Massachusetts and limiting exclusions to a maximum of one year, H. 3435 provides that schools may only exclude a student for more than 10 days if the student's presence in school presents a "substantial detrimental effect to the general welfare of the school." Furthermore,

students who face such lengthy exclusions must be notified, in writing, of their specific hearing rights prior to their hearing, and also must be notified, in writing, of the specific reason(s) for their exclusion after the hearing.

The Joint Committee on Education currently has until **Friday, June 4** to report out the bill. ***Please contact the chairs of the Committee to voice your support for H. 3435:***

Representative Marty Walz may be reached at Rep.MartyWalz@Hou.State.MA.US or 617-722-2070, and **Senator Robert O'Leary** may be reached at Robert.O'Leary@state.ma.us or (617) 722-1570. For more information on H. 3435, please go to the www.massadvocates.org website and look for the yellow school bus.

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New Anti-Bullying Law: Protections for Children with Autism and Other Disabilities

The Anti-Bullying bill supported by MAC -- [H.3804: An Act Addressing Bullying of Children with Autism](#) -- was incorporated into the highly-publicized [Anti-Bullying Act \(S. 2404\)](#) signed by the Governor on May 3, 2010. The new law ensures that IEP Teams address bullying of children on the autism spectrum, specifically focusing on the skills necessary to help individual children avoid and respond to bullying, harassment, or teasing. Requiring IEP teams to address bullying as it impacts individual students with ASD, coupled with new provisions requiring school-wide bullying prevention programs, will help to work towards effectively mitigating the instances and effects of bullying for children with autism.

Last fall, MAC conducted an online survey to document the extent of bullying of children on the autism spectrum in Massachusetts schools. The responses were overwhelming, as parents across Massachusetts courageously shared their children's heart wrenching experiences. Their

stories inspired MAC to publish [*Targeted, Taunted, Tormented: the Bullying of Children with Autism Spectrum Disorder*](#), which, along with the heartfelt testimony of parents and others at the legislative hearing, was instrumental in gaining the support of legislators for the autism anti-bullying bill.

Further good news is that the legislature responded to MAC's advocacy, and the new law addresses the needs of children with other types of disabilities as well. Specifically, the IEP must address skills needed to avoid and respond to bullying for all children with a disability that affects their social skills development or that otherwise makes them vulnerable to bullying, harassment or teasing.

Other linkages between MAC's work and the Anti-Bullying Law

The law includes a provision that the model Bullying Prevention and Intervention Plan to be published and disseminated by the Department of Elementary and Secondary Education and to be used by schools in developing their own anti-bullying plans, "shall be consistent with the behavioral health and public schools framework developed by the department" in accordance with section 19 of the recently enacted Children's Mental Health law. MAC's Trauma and Learning Policy Initiative (a joint project with Harvard Law School) has taken an active role in the development of the Behavioral Health and Public Schools Task Force framework, which is adapted from the "flexible framework" first described in TLPI's publication, [*Helping Traumatized Children Learn*](#). Linking the anti-bullying work in schools with the framework will strengthen the shared goal of both initiatives: creating safe and supportive school environments for all students throughout the Commonwealth.

Next Steps

MAC will work to make sure that all the provisions of the new law described above are implemented effectively through regulatory and other administrative mechanisms. While we are pleased that the bill included these and other positive provisions preventing bullying for which MAC advocated, we will work with others to ensure the bill does not unnecessarily increase school

exclusions and involvement in the criminal justice system while still protecting the victims of bullying. The Education Law Task Force, convened by MAC's Children's Law Support Project, will monitor and address these concerns.

Special Thanks

We are very appreciative of Representative Marty Walz, who as co-chair of the Education Committee expertly shaped the bill into a coherent whole, balancing many interests, and shepherded the bill through to passage in conjunction with her counterpart, Senator Robert O'Leary, who also provided critical support to the inclusion of the Autism IEP bill. We are thankful for the support for these initiatives by the many House and Senate sponsors and co-sponsors of the bill and amendments during the difficult and lengthy legislative process that led to the bill's passage. But these important provisions of the bill would not have been included without the leadership provided by Representative Barbara L'Italien on the initial H. 3804 autism anti-bullying bill, Senator Jennifer Flanagan for sponsoring the amendment to expand the autism section of the bill to children with other disabilities, and Representative Alice Wolf for sponsoring the Section 19 framework language.

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Save the Date

2010 - Thanks for Giving Appreciation Event

Every year, MAC hosts its special event designed to commemorate our successes for children and to thank those who have made in difference in their lives.

This year, our Thanks for Giving Appreciation Event will be held at:

**The Back Bay Events Center
Dorothy Quincy Suite
180 Berkeley Street
Boston, MA
November 18th, 2010
5:30pm**

There will be a brief program, cocktails and hors d'oeuvres. We will also for the first time be holding an **auction**.

For more information, or to **join our event committee**, please contact Daryl Cox, Special Assistant for Development and Communications at 6173578431 ext 242 or **email**.

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BPS-BTU Contract: What's in it for Our Kids?

In partnership with the Citywide Parents Council, the Boston Student Advisory Council, the Boston Parent Organizing Project, and others, MAC organized a community forum on May 18th where parents and students could not only hear contract proposals directly from the superintendent of Boston Public Schools and the president of the Boston Teachers' Union, but they could also discuss issues that were important to them. Key issues identified by parents and students include improving teacher evaluation, hiring and assigning the best teachers, and strengthening parent/student role in school governance. The importance of the contract negotiations was illustrated by the 175 people who attended the forum despite rainy weather.

The community forum is part of broader strategy to give a parent, student, and community voice into the BPS-BTU contract negotiations. The lead organizers of the forum, including MAC, have formed a new coalition and are continuing to reach out to parents, students, and community-based organizations to engage them in issues related to the contract. The group has had meetings with the Chief Operating Officer for BPS, members of the negotiating team, and the president of the teachers' union. Currently the group is working to finalize parent/student/community demands for the contract that they hope will lead to key reforms that

improve educational outcomes for the children in Boston.

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MAC Welcomes New BPS Special Education Administrative and Parent Leadership

BPS Superintendent Carol Johnson has hired new leadership for special education in Boston, bringing in John Verre as Assistant Superintendent for Special Education and Student Services and Joan Anderson as Executive Director of Special Education. MAC had been part of the screening process of candidates for the assistant superintendent position. We are pleased with Mr. Verre's ambitious agenda for change, including his commitment to regulatory compliance, departmental restructuring and increasing inclusion opportunities. He is creating a number of task forces to help guide his change process and invited both parents and advocates to join as members. There will be an overarching task force for the department and then content-specific task forces in the areas of inclusion, autism, transition, English language-learners (ELL) and students with social/emotional needs. MAC is looking forward to this new opportunity to achieve its longstanding commitment to improve special education in Boston by participating in these new systemic change efforts, continuing to represent individual children through legal advocacy, and providing technical assistance and support to the BPS Special Education Parent Advisory Council (PAC).

The PAC has elected new leadership for the coming school year, including Maria Roges, Chairperson; Carolyn Kain, Vice-Chairperson; Ivonne Burreso, Clerk; Laura Davis, Treasurer; and seven at-large members of its executive committee. The PAC's priorities include the following:

- Implementation of the new Individualized Education Program ("IEP") Form;
- A change in culture within Special Education Department, including respect for parents, placement decisions by the IEP team, and reengineering the ETF model;
- Expansion of qualified, effective inclusion schools and programs throughout Boston Public Schools;
- Creation of models of effective transition planning and services, including effective vocational opportunities, shared equitably across schools throughout the district both at the middle and high school level; and
- Increased training and development of faculty and staff

Members of the PAC will also be joining the various task forces established by John Verre and Joan Anderson. For more information about MAC's involvement with special education at BPS, please contact **John Mudd** or **Samuel Hurtado**.

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