

**SENATE . . . . . No. 637**

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The Commonwealth of Massachusetts

PRESENTED BY:

***Steven A. Baddour, (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:

An Act regarding juvenile violence..

PETITION OF:

NAME:

*Brian Coppola*

DISTRICT/ADDRESS:

*400 Merrimack Street*

*Methuen, MA 01844*

**SENATE . . . . . No. 637**

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By Mr. Baddour (by request), a petition (accompanied by bill, Senate, No. 637) of  
[PETITIONERS LIST] for legislation relative to juvenile violence. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ SENATE  
□ , NO. 1553 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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 SECTION 1. Be it enacted that any student who is of school age and is 10 years or older  
2 and under the age of 18, who commits onto another student, rape, indecent assault or any other  
3 acts of sexual abuse, whether said acts occurred in a public, or private elementary or middle or  
4 secondary or elementary or middle or secondary boarding school, which both the offender and  
5 the victim attend shall face automatic expulsion from his/her public, or private elementary or  
6 middle or secondary or elementary or middle or secondary boarding school.

7 Said offender need only be ten years or older.

8 Any school aged student who is 10 years or older and attempts to engage in acts of  
9 molestation or molests or both onto another student shall be expelled under applicable laws or in  
10 the case of attempted molestation shall face automatic suspension from any public or private day  
11 elementary or middle or secondary school or any elementary or middle or secondary boarding  
12 school for a period of 10 days for attempted violent molestation or other forms of violent abuse  
13 or bullying that involves physical or verbal violence. In the event that head administrator of any  
14 elementary, middle or secondary school hands down the proscribed suspension on a Friday, the  
15 suspension is said to commence on Monday and conclude in ten academic days from the  
16 Monday, which the suspension commences to be served.

17 The principal or the superintendent or headmaster of a public elementary, or middle or  
18 secondary or the director or the president, in the case of a private elementary or middle or

19 secondary day or boarding school shall have both of the parents, and the victim of said rape,  
20 indecent assault or other forms sexual abuse, and both of the parents of the perpetrator present in  
21 a parent conference to the allegation of the aforementioned and schedule a hearing be held within  
22 10 days of the allegation of said rape, indecent assault or other sexual abuse. Present at said  
23 hearing on the allegation of rape, indecent assault or other forms of sexual abuse, shall be the  
24 victim alleging said acts, their parents and the attorney representing the above mentioned school  
25 and the alleged offender, their parent and council of the parent of the alleged offenders choice.

26           The hearing in the case of a public or private elementary, middle or secondary day or  
27 boarding school shall consist of the school's principal, who shall preside and hand down  
28 disciplinary actions regarding molestation or attempted molestation or both, and two members of  
29 the town's school district, which the student attends, which shall include the super intendent and  
30 the chair of the school district's school committee and one other member of the school  
31 committee who shall determine the guilt or innocence of the student who is alleged to have  
32 engaged in molestation or attempted molestation or in the case of any private elementary, middle  
33 or secondary day or boarding school, the school's head administrator who is either the principal  
34 or director or the president of said private day or boarding school on the elementary or middle or  
35 secondary school level and two of the above-mentioned chair person one other member of the  
36 school district's school committee or two members of the school's board of trustees. The head  
37 administrator of said private day or boarding elementary or middle or secondary school shall  
38 have the same authorities as the public schools would otherwise have in cases of molestation or  
39 attempted molestation and the two members of either the school committee or the board of  
40 trustees would hold the same proscribed roles in determining the guilt or innocence of a student  
41 in an alleged molestation or attempted molestation case.

42           In the case of an expulsion proceeding for alleged sexual abuse or rape, committed by a  
43 minor student who is 10 years of age or older than the victim of such abuse, requisite state of  
44 mind must also be taken into consideration and must be determined based on the offender's  
45 Intelligence test, which determines retardation, defined as an I.Q of 75 or under, and the child's  
46 capacity to appreciate right from wrong. Both a school psychologist and a psychiatrist who the  
47 parent must bring the child to and that psychiatrist must be from a hospital setting from outside  
48 of the school setting must perform this testing and evaluation.

49           Upon the finding that the perpetrator did in fact commit acts of rape, indecent assault or  
50 other forms of sexual abuse, it shall be the duty of the principal or the superintendent or the head  
51 master or the director or the president, in the case of an elementary or middle or secondary  
52 boarding school, to report said incidents of rape or indecent assault or other forms of sexual  
53 abuse to the Department of Social Services, who shall in turn file a petition, on behalf of the  
54 victim of such rape, indecent assault or other incidents of sexual abuse in a juvenile court to have  
55 the offender accompany their parent at all times, at the conclusion of the offenders' school day in  
56 whichever new public or private day elementary or middle or secondary school he or she may  
57 attend and or at the conclusion of any extra curricular activities, or sports games or practice, or

58 special religious instructions or any other instructions, or all of the above, which the offender  
59 may be involved in. said alleged offender shall also upon referral of the incident to the  
60 Department of Social Services, be turned over to the juvenile authorities who may in addition to  
61 any expulsion and child must accompany parent proceedings bring about formal criminal action  
62 alleging said rape, indecent assault or sexual abuse committed by a minor who is 10 years or  
63 older. In the case where said minor who is alleged to have committed rape, indecent assault or  
64 sexual abuse onto another minor child and the offender is 15 years or older, the juvenile court  
65 shall have said offender treated as an adult in the adult criminal courts. The offender who has  
66 over 15 and has been found guilty of rape, indecent assault or attempted molestation or any other  
67 act committed onto another person shall be subject to imprisonment in the appropriate  
68 correctional facilities for the amount of time as deemed under applicable state law, and the  
69 imprisonment term shall be commensurate with the offence the offender has been found guilty of  
70 in an adult criminal court.

71 No student alleged to have been an offender of rape, molestation, attempted molestation  
72 or any violent acts of bullying or any violence in connection with said rape, attempted  
73 molestation, indecent assault shall remain on school premises and must be suspended interim  
74 said hearing on such allegation of rape, attempted molestation, indecent assault or acts of  
75 physical or verbal violence or both, in the commission of said acts until said case has been  
76 decided. Said student must then accompany parent while case is pending and said student must  
77 have his/her school work with them at all times, as it shall also be the requirement of the child's  
78 parents to go to the school and pick-up the child's school assignments.

79 In the case of an elementary or middle or secondary boarding school, the alleged  
80 offender's parent must remain with the child in a place designated in the town of the boarding  
81 school, which the alleged offender attends to facilitate the child's receiving of their school work  
82 pending the outcome of said case of rape, attempted molestation, indecent assault or sexual acts  
83 that involve verbal or emotional violence or both or in a case where an alleged offender 10 years  
84 or older has engaged in violent physical or verbal abuse or both onto another student. It shall be  
85 the responsibility of the boarding school to put both the parent and the alleged offender up,  
86 pending said hearing on the above-mentioned matter. If at the conclusion of said hearing, the  
87 student age 10 or older has been found guilty on the school level, the parent of the alleged  
88 offender shall re-imburse the school for all of the accommodations regarding the overnight and  
89 boarding costs of both the alleged student offender and the parent of the alleged offender.

90 In the case of an elementary or middle or secondary boarding school, in the  
91 Commonwealth of Massachusetts, including but not limited to that of special boarding schools  
92 that special education for persons with disabilities, a head housemaster or head houseparent shall  
93 have on hand a master key to the sleeping quarters of each student. The head housemaster or  
94 head houseparent along with the director or president of said elementary boarding school shall  
95 promulgate policies as to when students attending said elementary or secondary boarding school  
96 may enter their sleeping quarters and that such policies must include a provision that said

97 attending students must enter their sleeping quarters during daylight hours in the accompaniment  
98 of the head housemaster or any other housed staff, whom shall after the student has vacated  
99 his/her sleeping quarters for the school day, shall by use of a walky talkie or cordless phone or a  
100 cell phone contact the head housemaster to come with the master key to lock up the student's  
101 sleeping quarters for the day until permitted back in to their sleeping quarters as designated by  
102 school policies. The locks on each student's bedroom shall consist of a lock on the doorknob  
103 itself, with on the other side of the door containing a latch in the inner doorknob that can be  
104 easily turned and opened in the event of a fire. The parents of each student attending said  
105 elementary or middle or secondary boarding school in the Commonwealth of Massachusetts shall  
106 at the beginning of each academic year receive from the director or the president of said  
107 elementary or secondary boarding school a copy of the schools' policies regarding student entry  
108 and vacating of their sleeping quarters during school hours. The boarding school's administration  
109 shall also have the duty of promulgating policies as to when the students can and cannot be in the  
110 dorms or cottages and also must include in its policies provisions for inclement weather or when  
111 a student is sick. In the case of a student being sick, the elementary or middle or secondary  
112 boarding school shall have two rooms designated as the "infirm room," which can only be  
113 entered by thoroughly CORIED or SORIED staff members, or the town's police department or  
114 the fire department in the district where the boarding school is located or trained EMT'S or  
115 ambulance crews to remove the "sick person to a hospital. A parent or family member 18 years  
116 of age or older, as designated by the parent as to who will be caring for the child in the event of  
117 the parent's death shall also have entry to the "designated infirmed" rooms in each dorm, which  
118 shall be monitored with updated video surveillance cameras in the hallways outside and within  
119 the areas of the "infirm rooms so designated in each dorm to monitor for appropriate or  
120 inappropriate entrances and exits.

121           Upon receipt by the student's parents or in the case of a student being above the age of  
122 18, a copy of the school's policies on molestation and sleeping quarters rules, including but not  
123 limited to the proscribed mandated expulsion or suspension code, each parent of a minor child  
124 attending said boarding school or a student, 18 years of age or older, shall have signed in the  
125 presence of a notary of the public a copy of the schools' policies regarding entrance and exiting  
126 the sleeping quarters, which shall include but not be limited in the above-mentioned mandated  
127 expulsion and suspension and molestation prevention training laws. And this copy of policies  
128 and procedures shall also include the school's dress code, which shall ban both female and male  
129 students from wearing tank tops or any other apparel that exposes the chest area of the body and  
130 in the case of females, bans the wearing of mini skirts that are above the knees. Three repeated  
131 violations of the proscribed dress code and in addition to, dress codes set forth by either a public  
132 or private day or boarding elementary or middle or secondary school, shall result in a suspension  
133 period lasting 3 days, with in the case of a suspension being handed down on Friday, shall be  
134 said to commence on the Monday of the preceding weekend and shall be said to have been  
135 served upon the third consecutive school day. Said proscribed signature requirements of the

136 school's policies and including but not limited to the statutory anti student molestation and  
137 molestation prevention training, shall be completed within 10 days prior to each academic year.

138           In the case that a suspension or expulsion is handed down under this anti student  
139 molestation and molestation prevention statute, the parents of the student so suspended or  
140 expelled shall bare the full costs of transportation to and from wherever the student attends  
141 school on the elementary or middle or secondary level in the Commonwealth of Massachusetts.  
142 This shall be accomplished by either the parents coming to pick up the student him/herself or  
143 providing transportation to either the student's home or wherever the parents are located at the  
144 time of issuance of suspension or expulsion unless, criminal proceedings has commenced against  
145 the student alleged to have either engage in acts of rape, indecent assault or sexual abuse. In the  
146 case where criminal action is to be taken, said student who is the subject of said criminal action  
147 shall be detained in the office of a security guard until the police has arrived to take the student  
148 into custody. At the time the police has arrived to take the student into custody, the head  
149 administrator of the school, which the student is attending at the time of said arrest, shall be  
150 notified by the security officer to come down to the security office.

151           Upon the entry of any new student, no matter what their age or disabilities may be, the  
152 school, whether a public or private or boarding school shall within the first month of enrollment  
153 hold molestation prevention training to instruct their students as to the difference between  
154 molestation and what is not considered molestation under applicable state laws. As part of these  
155 instructions, a student shall also be informed of the right to confide in their teacher or trusting  
156 staff member whether they have been molested by another student or staff member of the school  
157 or think the same might be molesting them. These instructions shall include but not be limited to  
158 the proscribed mandated expulsion of a student who engages in acts of rape, indecent assault or  
159 sexual abuse onto another student. A notarized signature of the parent who is enrolling their son  
160 or daughter for the fist time, agreeing to molestation prevention training must be obtain, along  
161 with a notarized, signed envelope shall be returned back to the principal of an elementary or  
162 middle or secondary public or private day school and in the case of an elementary or middle or  
163 secondary boarding school, the director or the president of said boarding school, 10 days prior to  
164 the first day of school of the newly enrolled school. A newly enrolled student shall not be  
165 officially enrolled into any school in the Commonwealth of Massachusetts until the school in  
166 which the student is enrolled to attend has received a notarized signature and notarized envelope  
167 with the parent's signature consenting to molestation prevention training. Age or inability to  
168 provide the proscribed legal required signature allowing for their son or daughter attending any  
169 elementary or middle or secondary school system in the Commonwealth of Massachusetts shall  
170 be barred as a defense to any truancy proceedings brought by the school district which the child  
171 5 years or older, and until the school aged minor child reaches their 16'th birthday for failing to  
172 adhere to the proscribed enrollment requirements as deemed by applicable state truancy laws.  
173 The enrollment requirements shall also include but not be limited to the requirements as set forth  
174 in proscribed requirement of molestation prevention training. In the case where a parent

175 providing said signature for their son or daughter to fulfill the requirements, upon enrollment  
176 into a molestation prevention instruction is either elderly or disabled, may bring along with  
177 him/her to a notary of the public, an assisting person to aid in providing the requisite signature  
178 agreeing to the proscribed molestation prevention instruction at the school their son or daughter  
179 is to be enrolled in. For the purposes of this section, the term “parent” shall be defined as the  
180 biological parents of the minor child, the foster parents of the minor child, the adoptive parents  
181 of the minor child, whether in or outside of the biological family setting, which shall include but  
182 not be limited to; grandparents as parents, aunts, uncle, cousins, brothers, sisters or any other  
183 relative deemed the foster or adoptive parent of said minor child, or in the case of a divorce, the  
184 court ordered custodial parent who has custody of the minor child during the first academic year,  
185 which their son or daughter is enrolled. The same signature requirements shall also be legal and  
186 binding to any new student 18 or older, except that parental signature shall not be required and  
187 that said adult entering a new secondary school for the first time, must provide the proscribed  
188 notarized signature agreeing to molestation prevention instructions.

189         In the case where a former student, later on in adulthood opens up for the first time to  
190 either the current director or the president of said elementary or middle or secondary boarding  
191 school and to a mental health professional or a rape crisis center and their family that they had  
192 been sexually abused as a student by the offender who attended the same school as the victim,  
193 said disclosure of such event shall be reported to the department of Social Services, as though the  
194 victim was a minor at the time of first disclosure of said sexual abuse, which shall include but  
195 not be limited to rape, or indecent assault or sexual abuse perpetrated by 1 or more of the former  
196 students who were 10 years or older at the time of said sexual incident and who had attended said  
197 elementary or middle or secondary boarding school, where both victim and offender had  
198 attended at the time said acts of sexual abuse had occurred. Upon first disclosure by said former  
199 student of said elementary or middle or secondary boarding school to the director or president  
200 who is currently serving at the time of said first disclosure, the head administrator of said  
201 elementary or middle or secondary boarding school shall refer the names, addresses, if can be  
202 obtained of the perpetrators allegeably involved and the name and address of the victim alleging  
203 said sexual abuse to the board of directors of said elementary or middle or secondary boarding  
204 school’s alumni association who shall in turn inform the offenders of such allegations of sexual  
205 abuse and to schedule a hearing on the matter before the board of directors of said alumni  
206 association. Upon finding by the board of directors of the elementary or middle or secondary  
207 school’s alumni association that said incidents of sexual abuse had been perpetrated onto the  
208 victim, the offender of said acts shall be permanently banned as a member of said elementary or  
209 middle or secondary boarding schools’ alumni association. The same shall hold true for any  
210 honorary member and who was a staff member in the dorm or cottage where said incident took  
211 place shall be permanently banned as an honorary member of said elementary or middle or  
212 secondary schools’ alumni association. The same shall apply to any alumni association of an  
213 elementary or middle or secondary public or private day schools. For the purposes of this section  
214 of this act, the honorary member of the alumni association of the elementary or middle or

215 secondary public or private day school or an elementary or middle or secondary boarding school  
216 must have either been in knowledge that said violent acts of rape, sexual abuse or any other kind  
217 of violent bullying or abuse of another student, whether the violent acts were physical or verbally  
218 done to produce a threatening manner of harm.

219 Failure of said head administer of any public or private or elementary or middle or  
220 secondary boarding school to report such allegations of rape or indecent assault or other forms of  
221 sexual abuse by a student 10 years of age or older onto another student, to the Department of  
222 Social Services shall be fined no more than \$1,000.00 or imprisonment in a house of correction  
223 for a mandatory two-year sentence or both. The same shall hold true for any psychologist,  
224 physician, or psychiatrist, or teacher or anyone who has contact with minor children as part of  
225 either their profession or employment, unless the person going to the above-mentioned  
226 professionals who are in the mental health profession and who are mandated reporters of such  
227 acts is the offender, who shall be afforded treatment for by said mental health professionals  
228 without penalty or threat of a report being made, when the offender himself voluntarily admits  
229 guilt to a mental health professional, and also does so to receive treatment for their actions on a  
230 voluntary basis.

231 A victim of rape or sexual abuse committed by a minor who is 10 year or older than the  
232 offender and the offender is 10 years or older shall have a right to civil damages under tort feaser  
233 laws up to no more than \$10,000.00, whether the incident was reported and opened up to at the  
234 time the original incident occurred or becomes disclosed for the first time by the victim of said  
235 act later on in adulthood. The statute of limitations for such actions brought under tort feaser  
236 liability for rape or indecent assault or other forms of sexual abuse or other forms of violent acts  
237 committed onto another minor shall be said to toe in 7 years from the date it was first disclosed  
238 either at the time of the incident by the victim of such incident or when the victim first discloses  
239 that said incident happened to them, later on in adulthood.

240 Any public, or private elementary or middle or secondary school or elementary or middle  
241 or secondary boarding school and or their alumni association who fails to expel or permanently  
242 ban any member of their alumni association or any honorary member for lack of supervision  
243 from their alumni association may be held civilly liable for failure to take such action against  
244 said offender in an amount not to exceed \$50,000.00. The statute of limitations for failure of a  
245 public elementary or middle or secondary school or private elementary or middle or secondary  
246 school or elementary or middle or secondary boarding school or its alumni association to take  
247 action against the perpetrator of such sexual abuse shall be said to toe in 5 years from time of  
248 first disclosure, whether the disclosure of sexual abuse by the victim of such discloses such  
249 incidents of sexual abuse by another student at the time of the sexual abuse or the victim first  
250 discloses said incident(s) later on in adulthood. In both cases, the aforementioned statute of  
251 limitations shall be said to begin to toe from date of first disclosure to both a mental health  
252 professional and the members of the victim's family.

253 For the purposes of this act, in the case of an elementary middle or secondary boarding  
254 school, the head housemaster or head houseparent, in the dorm or cottage to which the sexual  
255 abuse by another student who is 10 years or older onto another student, shall be presumed  
256 responsible as though he/she is the parent of the student(s), who is under the age of 18 and is the  
257 alleged offender. Said head housemaster or head houseparent shall by reason of his/her  
258 designated job title, be held criminally liable and shall be charged as an accessory after the fact  
259 to rape and shall face the penalties as outlined by applicable state laws.

260 Upon an action brought against a student, for rape, indecent assault or other forms of  
261 sexual abuse, that has been committed, whether in a public, or private elementary or middle or  
262 secondary school or an elementary or middle or secondary boarding school and in the case of an  
263 elementary or middle or secondary boarding school against the head housemaster or head  
264 houseparent as an accessory after the fact for rape of a minor who is the perpetrator of such acts,  
265 whether brought to the attention of school authorities or law enforcement or any kind of civil  
266 actions for said acts of rape, indecent assault or other forms of sexual abuse, the offender, nor his  
267 friends nor his family, nor the staff member, nor his/her family or friends nor any officials of the  
268 school where such offense occurred shall be barred from engaging in any kind of retaliation or  
269 embarrassment or any other form of emotional abuse in connection with said rape, indecent  
270 assault or other forms of sexual abuse. Whoever engages in any form of retaliation,  
271 embarrassment or other forms of emotional abuse or humiliation in connection with said rape,  
272 indecent assault or other forms of sexual abuse shall be fined no more than \$2,000.00 or  
273 imprisonment in a house of correction for no less than 3 years or both and shall also face tort  
274 liability in an amount not to exceed \$25,000.00. The same shall hold true for any member of the  
275 board of directors of the alumni association to whom an action is brought before them against a  
276 member or members of the schools' alumni association to have said member or members or  
277 honorary members of said schools' alumni association to have said member or members or staff  
278 honorary members permanently banned from said schools' alumni association in connection with  
279 any incidents of rape, indecent assault or other forms of sexual abuse committed by said member  
280 or members thereof, or in the case of lack of supervision, honorary staff members, who were  
281 head housemaster or head houseparent in the dorm or cottage where said incidents of sexual  
282 abuse occurred by any member or members of said schools' alumni association.

283 Acts of retaliation shall be defined to include but not be limited to; banning a rape or  
284 sexual abuse victim from all of his/her rights and privileges to either his educational program or  
285 that as a member of the schools' alumni association, when the allegation of rape, or sexual abuse  
286 is first being presented to the aforementioned authorities or board of directors of said schools'  
287 alumni association, whether the incident is first reported at the time said acts occurred or is first  
288 disclosed by the victim later on in adulthood or once the incidents of said rape, indecent assault  
289 or other forms of sexual abuse has been proven to be true and did in fact occur.

290 Records of such proceedings, including its finding by either the schools' authorities or  
291 that of the board of directors of the schools' alumni association shall be kept in a confidential,

292 locked file and such records of said proceedings and findings shall be held in said locked  
293 confidential files for a period no less 40 years from time of conclusion of said proceedings or  
294 until the school and its alumni association has been dissolved and had been declared bankrupt  
295 under applicable federal laws by a federal bankruptcy court.

296 A victim of rape, or indecent assault or other forms of sexual assault, in order to take  
297 legal action against said student offender, including action taken on the school level shall have  
298 said to had disclosed for the first time, with the aforementioned authorities and including but not  
299 limited to a mental health professional and that of their family within the first 50 years since such  
300 abuse had occurred. Upon disclosure to the aforementioned school authorities where the  
301 incidents of sexual abuse, and a mental health professional and that of their family members,  
302 whom they can confide in, said victim shall have up to 7 years to pursue any criminal or civil  
303 actions against the offender and that of his/her parent, as at the original time of the offense, the  
304 offender was still a minor under the age of 18 years and was 10 years or older. The statute of  
305 limitations for said criminal and or civil actions resulting from said sexual abuse shall begin to  
306 toll upon first disclosure by said victim to all of the aforementioned parties, including but not  
307 limited to the current administrative authorities who are currently employed at the school where  
308 said incident is alleged to take place, a mental health provider, treating the victim of said abuse  
309 and that of a family member the victim of said acts has confided in.

310 For the purposes of this act, with regards to the aforementioned statute of limitations, any  
311 disclosures made prior to the passage of this act shall begin to toll when this act is signed into  
312 law by the governor of the Commonwealth of Massachusetts or becomes law by way of override  
313 by both the house and senate of the legislature of the Commonwealth of Massachusetts,  
314 otherwise known as the General Court.

315 Upon first disclosure of said sexual abuse by a victim thereof, he/she shall once disclosed  
316 by said victim, the names of the offender or offenders, said victim shall have the right to know,  
317 in the case, where the victim has first disclosed of the alleged acts to the school authorities of the  
318 school which the incidents took place at, and in the case, where it has been disclosed later on in  
319 adulthood by said victim and that both the victim and the offender or offenders had graduated or  
320 left in good standing, the school where the offense took place, whether or not the offender or  
321 offenders are members of the schools' alumni association whether or not the offender or  
322 offenders of said acts, which happened 50 years prior to first disclosure, are still being invited to  
323 participate in on-campus alumni activities.

324 Said victim of sexual abuse committed shall not use the aforementioned disclosed  
325 information as a means of retaliation, harassment or committing a crime against the offender or  
326 acts of discrimination, except for bringing such offender or offenders before the board of  
327 directors of the schools' alumni association for the purposes of having them permanently banned  
328 from the schools' alumni association, in connection with the sexual abuse itself. In the case of a  
329 boarding elementary or middle or secondary boarding school, the same anti-retaliation or other

330 forms of criminal activity or discrimination against the honorary member, who was at the time of  
331 the offense the head housemaster or head houseparent in the dorm or cottage where said incident  
332 of sexual misconduct occurred.

333 Any victim who uses the above-mentioned information to engage in retaliatory or  
334 criminal acts or acts of discrimination against both the former student offender and the former  
335 head housemaster or head houseparent shall be fined no more than \$1,000.00 or imprisonment in  
336 a house of correction for no more than 2 years or both said fine or imprisonment.

337 Any staff members, including but not limited to teacher's aids, house staff or school  
338 guidance counselors or student advocates or case managers who either come into knowledge that  
339 a sexual abuse might had been perpetrated onto another student attending the same school as the  
340 victim and offender, by way of confidence or are witnesses thereof, shall have the legal  
341 obligation to report said acts of sexual abuse or bullying or any other incidents that involve either  
342 physical or verbal violence or both to the school's administration. Failure of said staff to report  
343 the above-mentioned incidents to said school administrative officials shall be deemed  
344 automatically terminated from their respected professions and shall also be held criminally liable  
345 under applicable state and federal laws for obstruction of justice.

346 Any head administrator who fails to terminate the employment of any teacher, teacher's  
347 aid, school guidance counselor, advocate or case manager shall face fines of no more than  
348 \$10,000.00 and imprisonment for no less than 5 years in a state prison or both said fine or  
349 imprisonment.

350 The failure of a school administrator to terminate an employee who does not report such  
351 acts of sexual abuse, violent acts, whether physical or verbal or both onto another student under  
352 the age of 18 shall also hold said school liable under tort liability in an amount not to exceed  
353 \$20,000.00.

354 Upon termination of employment of an employee of an elementary or middle or  
355 secondary school for failure to report such acts of sexual abuse committed onto another student  
356 or violent abuse onto another student, shall bar said employee from applying for a position of  
357 either teacher, teacher's aid, school guidance counselor, student advocate or case manager in  
358 another school or school district within the Commonwealth of Massachusetts.