

**HOUSE . . . . . No. 515**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Mary S. Keefe***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to ensure educational rights are upheld for incarcerated youth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/19/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/25/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/25/2023</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/25/2023</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>1/27/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>1/30/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/1/2023</i>
<i>Priscila S. Sousa</i>	<i>6th Middlesex</i>	<i>2/14/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/23/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/27/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>3/7/2023</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>3/8/2023</i>

**HOUSE . . . . . No. 515**

By Representative Keefe of Worcester, a petition (accompanied by bill, House, No. 515) of Lindsay N. Sabadosa and others relative to educational rights for incarcerated youth. Education.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act to ensure educational rights are upheld for incarcerated youth.

*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. Section 39 of chapter 15A of the General Laws, as appearing in the 2020  
2 Official Edition, is hereby amended by striking the first sentence and inserting in place thereof  
3 the following: -

4 A qualified student enrolled in a public secondary school, including school-age children  
5 in the care or custody of the department of youth services, county houses of corrections or the  
6 department of correction, may enroll as a student in Massachusetts public institutions of higher  
7 education.

8 SECTION 2. Chapter 71 of the General Laws, as appearing in the 2020 Official Edition,  
9 is hereby amended by inserting after section 6A the following section:-

10 Section 6B. All public secondary schools shall credit coursework completed by students  
11 in institutional settings, including the county houses of correction, the department of correction,  
12 the department of mental health, the department of public health, and the department of youth

13 services toward the public school's graduation requirements and shall list said coursework on the  
14 student's transcript.

15 SECTION 3 . Section 11A of chapter 71B of the General Laws, as appearing in the 2020  
16 Official Edition, is hereby amended by striking out the first sentence and inserting in place  
17 thereof the following paragraph:-

18 Upon a student's entry into custody in a jail or correctional facility, the facility will  
19 promptly conduct appropriate intake procedures to determine if the student was previously  
20 identified as being in need of special education and promptly report this information, as well as  
21 any perception that the student, though not identified previously, may be in need of special  
22 education to the department of elementary and secondary education. The department shall  
23 directly provide special education to school-aged children with a disability in the care and  
24 custody of state correctional facilities as defined by section 1 of chapter 125.

25 SECTION 4 . Section 1 of chapter 124 of the General Laws, as appearing in the 2020  
26 Official Edition, is hereby amended by adding the following subsection:-

27 (v) in accordance with clause (q), the commissioner shall, as part of making and  
28 promulgating rules and regulations regarding education, training, and employment, require that  
29 all individuals who have not attained their 22nd birthday housed at a county house of corrections  
30 or state correctional facility, regardless of classification, disciplinary, or housing status, be  
31 provided with opportunities to: receive credit toward high school graduation; graduate from high  
32 school; pursue and receive credit for higher education; and receive vocational training. The rules  
33 and regulations shall require that educational opportunities be offered for a minimum of 6 hours  
34 of classroom instruction every weekday, 12 months per year; and pursue, as far as practicable,

35 college-level courses or appropriate vocational education and training. Education for special  
36 education students shall be delivered in accordance with established individual education plans  
37 or newly established plans where no previous plan exists. New or prior individualized education  
38 plans may be reasonably modified, or newly written, to accommodate limitations imposed by the  
39 correctional environment, so long as such modifications or new plans do not preclude the  
40 delivery of a free appropriate public education or impede progress toward a high school  
41 graduation.

42 Interpretation and translation services will be provided to English Language Learner  
43 students, including but not limited to those with disabilities, to ensure meaningful access to the  
44 special education process, which shall include interpretation services at IEP and Section 504  
45 meetings and translated Section 504 plans and IEPs, assessments conducted by or at the request  
46 of the facility or its medical service providers as part of an initial evaluation or reevaluation to  
47 determine eligibility for special education and related services, and due process rights notices in  
48 accordance with Title VI of the Civil Rights Act of 1964 and the Equal Educational  
49 Opportunities Act of 1974.

50 SECTION 5. Section 2 of said chapter 124, as so appearing, is hereby amended by  
51 striking the last paragraph and inserting in place thereof the following paragraphs:-

52 Subject to the supervision and control of the commissioner, the deputy commissioner for  
53 educational services shall, in consultation with the department of elementary and secondary  
54 education, establish and maintain standards for all teaching positions in the jurisdiction of the  
55 department and shall review the qualifications and performances of all teaching personnel in the  
56 department.

57 Each of the said deputy commissioners shall perform such other duties as may be  
58 assigned to him from time to time by the commissioner.

59 SECTION 6. Chapter 127 of the General Laws, as appearing in the 2020 Official Edition,  
60 is hereby amended by inserting after section 32A the following section:-

61 Section 32B. Any person who has attained the age of criminal majority but has not yet  
62 attained the age of 26 in jails or correctional facilities shall be treated as needing aid,  
63 encouragement, and guidance, consistent with the goal of positive youth development to assume  
64 the responsibilities and exercise the rights of a citizen of the commonwealth.

65 SECTION 7: Section 39 of said chapter 127, as so appearing, is hereby amended by  
66 inserting in paragraph (b) after the word "population," in line 31, the following words:-

67 including the right to special education services

68 SECTION 8. Section 48 of said chapter 127, as so appearing, is hereby amended by  
69 striking the last paragraph of said section and inserting in place thereof:-

70 The commissioner shall make and promulgate rules and regulations governing programs  
71 established under this section which shall include provisions for hours, conditions of  
72 employment, wage rates for employment program participants, incentive payments for education  
73 and training program participants, provision of good time for participation in education programs  
74 at the highest level as awarded by the institution for any activity in the institution, and deductions  
75 from said wages pursuant to the provisions of section 86 F.

76 SECTION 9. Section 49A of said chapter 127, as so appearing, is hereby amended by  
77 inserting after the third paragraph the following paragraph:-

78           Consistent with the foregoing, all individuals who have not attained their 22nd birthday  
79   housed at a county house of corrections or state correctional facility, regardless of disciplinary  
80   classification or housing status, shall be provided with a minimum of 6 hours of classroom  
81   instruction and educational opportunities on every weekday, 12 months per year to: receive  
82   credit toward high school graduation; graduate from high school; receive special education  
83   services for those who are eligible; pursue and receive credit for higher education; and receive  
84   vocational training.