Transparency, Accountability and Equity

An Act requiring accountability for inequities in suspension and expulsion – The RAISE Act (Rep. Ultrino H.4138)
To better understand and combat discrimination in public education, the RAISE Act explicitly requires that the Commissioner of Elementary and Secondary Education and Department of Elementary and Secondary Education (DESE) collect, cross-tabulate and report data on the race and ethnicity, gender, socioeconomic status, English language learner status, and disability status of students suspended and/or expelled in each public school and school district, as well as those students that are referred to law enforcement and arrested for school-related offenses, in the Commonwealth. This bill requires the state and each school district to establish statewide annual targets for addressing persistent disparities in achievement and for suspension and expulsion among student, with specific targets for sub-populations of students who experience disparate school exclusion. Districts would also be required to develop plans explaining the interventions that they will implement to address persistent disparities in achievement and suspension and expulsion among student subgroups  Fact Sheet / Bill

School Discipline

An Act Enhancing Learning in the Early School Years Through a Ban on School Exclusion in Pre-Kindergarten Through 3rd Grade (Rep. Decker H.3876)
The Young Student Exclusion Ban Act aims to improve educational outcomes by banning Massachusetts public schools from suspending or expelling students in Pre-K through 3rd grade. Black and Latinx young children are four and three, respectively, more likely than their white peers to experience school exclusion. This ban would not cover incidents involving assaults on school adults, felony charges, dangerous weapons, or drugs, and instead ensures that students aren’t excluded for low level offenses – as when a kindergartener was suspended for shutting a door that accidentally caught a teacher’s hand – which can be effectively addressed by alternative means. The bill expands this exclusion ban to 4th grade one year after enactment, and to 5th grade two years after enactment. Fact Sheet / Bill

An Act to Promote the Education Success of Court Involved Children (Rep. Meschino H.664 / Sen. Jehlen S.344)
Though students facing serious allegations are afforded due process protections based on constitutional rights, and contained within case law as well as in the Department of Elementary and
Secondary Education’s 1994 advisory on School Discipline, these protections are not specifically delineated in the statute. Current law (Ch. 71 §37H½) allows a student charged (prior to arraignment or adjudication) with any felony to be suspended or expelled from school without the opportunity for any due process in the juvenile court. This bill would clarify that students who are facing discipline under §37H and §37H½ are entitled to all of the procedural protections received by students facing discipline under §37H¾. This bill:

- delineates procedural protections for student facing exclusion under §37H and §37H½.
- preserves a child’s right to education by requiring a basic determination that the case will move forward in court and requires that the felony be a “serious violent felony” before a student is excluded under §37H½. The formal arraignment allows for a judicial determination of probable cause and is an opportunity for the youth, the youth’s attorney and the district attorney to also look at whether there may be diversion opportunities.

Requiring additional procedural protections does not prevent schools from implementing serious disciplinary consequences if the principal determines such consequences are warranted; they simply require the school to take steps to ensure that the offense occurred and was committed by the student being disciplined, and to hear the whole story including mitigating circumstances before imposing very serious and potentially life altering consequences.

**School Policing**


Building on the reforms of the policing reform bill of 2020, this bill seeks to expand school’s options for creating safe and welcoming schools. The law governing school resource officers (SROs) states that SROs shall neither be disciplinarians nor shall they use police powers to enforce traditional school discipline misbehavior. Unfortunately, that line is unclear in practice. Results from focus groups with SROs from 16 school districts in Massachusetts show that the line between behaviors warranting school discipline and those requiring law enforcement intervention was often blurred, and that behaviors considered “criminal” in one district (or even among schools in the same district) were construed as being solely the domain of school disciplinarians in another. The bill clarifies the guiding principle to differentiate between conduct requiring disciplinary or law enforcement responses. Additionally, the bill creates a grant program, administered by DESE, to assist schools and districts to plan and implement holistic safety practices to all for their transitioning to police-free schools. Finally, the bill increases the data that’s collected on school policing and would prohibit SROs from being assigned to a district if a superintendent doesn’t publicly report that data and share it with the state.

[Fact Sheet / Bill](#)

**An Act Relative to the Location of School Resource Officers (Rep. Sabadosa H.694)**

Placing police in schools has not resulted in improved school safety. In fact, it may hinder the trust and communication schools need to be safe. A 2020 study found that school police placement led to increased reliance on surveillance, unreasonable search and seizure, inappropriate sharing of
confidential information, and an emphasis on formal controls that create an environment of fear and distrust, diminishing students’ willingness to confide in school staff when they are experiencing problems. There is documented misunderstanding between police officers and school administrators on the role of police in schools in Massachusetts. This bill removes SROs from schools, locating them at the nearest police station, and task SROs as the primary responders to school-based emergencies.  

Fact Sheet / Bill 

Diverting Youth from the School to Prison Pipeline 

An Act to Promote Public Safety and Better Outcomes for Young Adults (Reps. O’Day & Khan H.1826 / Sen. Boncore S.920) 

This bill would restructure the juvenile justice system to include 18 to 20-year-olds to prevent long-term criminal justice system involvement by ensuring they are held accountable and engaged in treatment, education, and vocational training that are more effective for this age group. The juvenile system is well-suited to, and currently does, process young people accused of, and adjudicated for, violent crimes, including imposing adult sentences. DYS has been working with 18-to 20-year-olds since the 1990’s. Eighteen and 19-year-olds in Massachusetts are commonly high school students. More than 20,000 students in our high schools are between 18 and 20. They make the same mistakes that younger classmates do – but unlike their peers, they can receive a permanent and public adult criminal record. That harms them forever – and it has a large economic cost to the Commonwealth.  

Fact Sheet / Bill 

Join Us

☐ Call or write to your State legislators and ask them to co-sponsor and support that these bills. Find out how at https://www.cfjj.org/take-action  

☐ Stay up to date with CfJ’s action alerts, report releases and youth justice news. Sign up at www.cfjj.org/jj-news.  

☐ Engage your friends, colleagues and network in this advocacy: invite CfJJ to present on these bills or lead an advocacy training.  

☐ Follow CfJJ on social media and join the Social Media Ambassador Program  

For more information, please contact: Sana Fadel | sanafadel@cfjj.org 
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