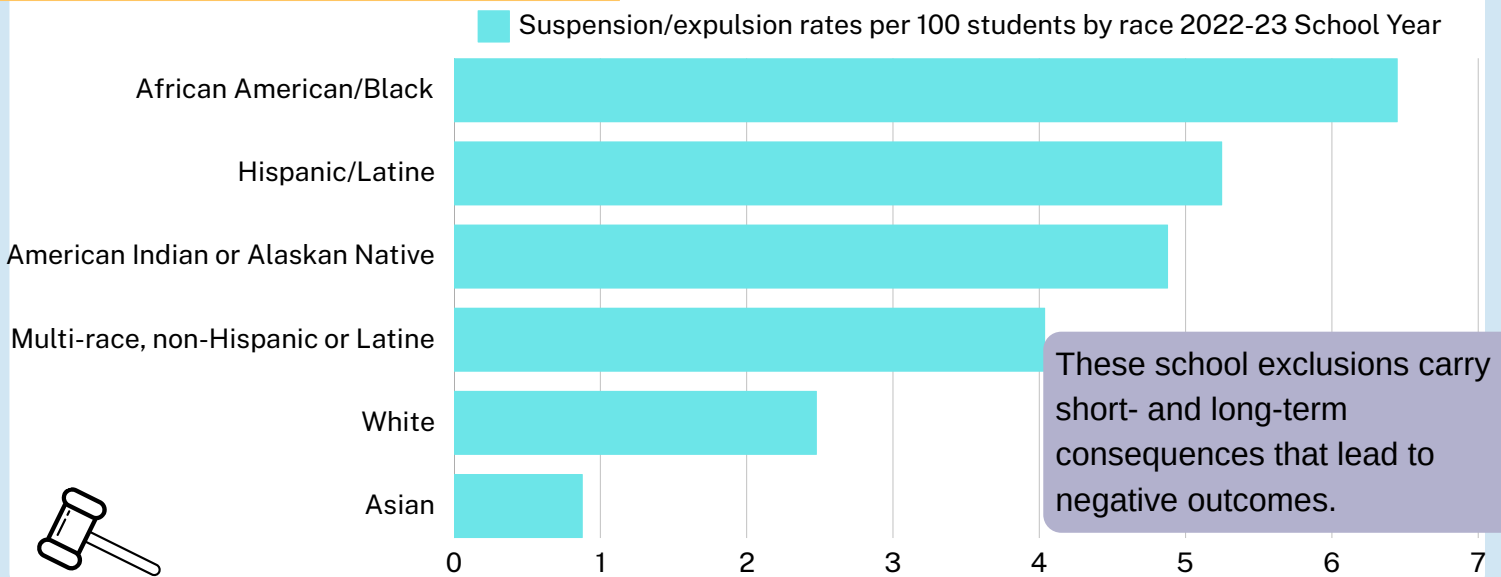




# An Act addressing school exclusion policies to remedy disparities in educational achievement

Reps. Ultrino & Meschino (HD.1270) | Sen. Jehlen (SD.1067)

Children of color, children with disabilities, children living in low-income communities and children in the child welfare system are all disproportionately excluded from schools through suspension and expulsion. Far too many of these exclusions result from the lack of specificity in our discipline statutes, resulting in young people receiving punishments that are excessive given the nature of the disciplinary infraction.



Young people are **twice as likely** to be arrested during periods when they are suspended or expelled from school, both for youth with and without a prior history of delinquent behavior. This leads to an overrepresentation of these vulnerable populations in child welfare, juvenile justice, and later, adult criminal legal systems and an increased likelihood of school dropout. When students get what they need to succeed and remain in school they enter adulthood with a much brighter future.

## DISPARITIES IN DISCIPLINE AND LOST DAYS OF INSTRUCTION

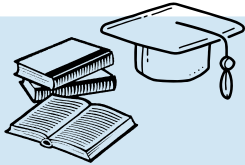
Black students were **2.6X**, and Hispanic/Latine students **2.1X** as likely, to be excluded as their white counterparts.

Black students missed **3.4X**, and Hispanic/Latine students **2.5x**, the number of days of instruction due to discipline as their white counterparts.



## PROBLEM

"Dangerous weapon" isn't defined in our discipline law and is interpreted in an overly broad manner, leading to students facing expulsion for using items that clearly fall short of the legal definition like an empty milk carton or a tube of lip gloss. Similarly, "assault" which also is not defined in the discipline law, has sometimes been applied to include a "menacing" look from a student, or unintentional contact with a teacher. Further, despite legal changes with respect to marijuana, it is still subject to expulsion along with other "hard drugs" rather than like cigarettes and alcohol which are subject to suspension.



## SOLUTION

Sections 1 and 2 of this bill redefines "dangerous weapon" to align with the legal definition and treats possession of marijuana like alcohol and tobacco offenses. This bill also clarifies that an "assault" must include specific intent and imminent harm.

## PROBLEM

Current discipline law allows exclusion based upon any criminal or delinquency felony complaint, even if it was for minor or non-violent behavior or if the case was diverted from court involvement.

## SOLUTION

Section 4 of this bill allows for the exclusion of students who have been issued a felony complaint only if a student's continued presence poses documentable concern about the infliction of serious bodily injury upon another person while in school. It also forbids exclusion under this section where the complaint has been sent for diversionary handling.

## PROBLEM

Under the current law, students who are disciplined for allegations of non-serious behaviors have more robust protections delineated than students who are facing more suspension or expulsion due to court involvement.

## SOLUTION

Sections 4 and 5 of this bill ensures additional procedural protections by requiring that schools provide students with (1) written notice of the charges in English and their home language, (2) the right to a fair hearing, (3) the right to representation by a lawyer or advocate, (4) access to evidence, (5) the right to have witnesses present, and (6) a timely decision.

## PROBLEM

Under current law, disciplinary actions for students facing non-serious offenses which do not permit exclusions over 90 school days (under c. 71 § 37H¾) are out of alignment with the regulatory definition of expulsion (603 CMR 53.02).

## SOLUTION

Sections 6-15 aligns the statute with the prohibition of long-term suspension for minor infractions that can extend beyond the end of the school year.