



July 23, 2019

Representative Alice Peisch, and
Senator Jason Lewis, Co-Chairs
Joint Committee on Education
State House, Room 473G
Boston, MA 02133

RE: Testimony in Support of H.432 *An Act to ensure equal access to education*

Dear Chairwoman Peisch, Chairman Lewis, and Honorable Members of the Committee:

Massachusetts Appleseed Center for Law & Justice (“Massachusetts Appleseed”) respectfully submits the following testimony in support of H.432, *An Act to ensure equal access to education, including special education services, for all students* and strongly urges that the Joint Committee on Education issue a favorable report for the bill.

Massachusetts Appleseed’s mission is to promote equal rights and opportunities for Massachusetts residents by developing and advocating for systemic solutions to social justice issues. We have been at the forefront of understanding the intersection of school discipline practices, zero tolerance, and youth entering the juvenile justice system. Most notably, through our *Keep Kids in Class* project, we researched and identified best practices to keep all students who are at a higher risk for entering the juvenile justice system in class where they are safe, supported, and available for learning.

Massachusetts Appleseed and other advocates have firmly established that in the Commonwealth students of color and those with disabilities are more likely to be disciplined than their white and non-disabled peers. For example, students with disabilities are disciplined at a rate (7.6%) nearly double the statewide average (4%), and black students lose over 3 times the number of instructional days to discipline as white students.¹ These disproportionate disciplinary actions lead to an increase in student removal from school and an elevated potential for contact with the criminal justice system, perpetuating the school-to-prison pipeline for our most vulnerable students.² These statistics worsen when different portions of a student’s background combine to further disadvantage them. Race as well as factors such as gender, income level, and English proficiency may all increase the risk of a student being disciplined and/or entering the school-to-prison pipeline.

¹ Joanna Taylor & Matt Cregor, Lawyers’ Comm. for Civil Rights and Econ. Justice, *Unfinished Business: Assessing Our Progress On School Discipline Under Massachusetts Chapter 222*, (Sept. 2018).

² Massachusetts Appleseed Ctr. For Law and Justice, *Keep Kids in Class: New Approaches to School Discipline*, http://massappleseed.org/wp-content/uploads/2017/12/kkic_newapproaches.pdf, (last visited 7/10/2019).

The Department of Elementary and Secondary Education's (DESE) own data reinforces these higher vulnerabilities for certain students. This data is even more powerful when **cross-tabulated**, a method of analyzing the relationship between two or more variables in a data set that exposes patterns that cannot be realized when looking at the results in aggregate. For example, the discipline rates for black students and for male students may be available publicly but not the discipline rate for male black students. The intersection between race, gender, English-language ability, poverty, as well as disability status and discipline rates are generally understood. Yet the scale of these impacts on discipline rates for specific subgroups of students cannot be fully measured without data that can be cross tabulated.

Massachusetts general law, specifically Chapter 222, requires that school districts gather critical student data, including data on school discipline and special education, and submit it to DESE.³ However, while data is gathered by race, ethnicity, sex, English Learner status, socioeconomic status and disability, DESE does not publish data that can be cross tabulated. This practice limits the ability of educators, advocates and policymakers to identify disparities in school discipline by specific subpopulations of students. Without access to such data, advocates do not have enough targeted information to fully monitor and identify the scale of disparities in discipline rates in school districts across Massachusetts.

This restriction on data currently held by DESE hinders the public's ability to determine which schools or school systems are engaging in discriminatory practices or failing to provide quality education to their most vulnerable students. As a member of the Chapter 222 Coalition, Massachusetts Appleseed and our partner organizations have repeatedly requested DESE release cross tabulated data with limited success. Passing H.432 would legally obligate DESE to publish comprehensive data for specific subgroups of students in a format that would help independent groups monitor that our schools are not, intentionally or otherwise, discriminating against groups of students in their practices or policies This bill would therefore allow for greater independent monitoring and accountability of the discipline practices all school districts in the Commonwealth.

Massachusetts Appleseed strongly urges you to issue a favorable report for H.432. Thank you for considering this testimony and please do not hesitate to contact me if you should have any questions or require additional information.

Respectfully submitted,



Deborah M. Silva
Executive Director Massachusetts Appleseed Center for Law & Justice

³Mass. Gen. Laws ch.71, §37H (e, f, g) 2012.