

C. 222 SCHOOL DISCIPLINE COALITION

November 22, 2021

Representative Alice Hanlon Peisch, House Chair
Senator Jason Lewis, Senate Chair
Joint Committee on Education
Massachusetts State House
Room 511-B
Boston, MA 02133

RE: Testimony in Support of H.3876, *An Act Enhancing Learning in the Early School Years Through a Ban on School Exclusion in Pre-Kindergarten Through 3rd Grade*

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

The Chapter 222 School Discipline Coalition – made up of over 70 members committed to ending the school-to-prison pipeline for Massachusetts students – respectfully submits the following testimony in support of H.3876, *An Act Enhancing Learning in the Early School Years Through a Ban on School Exclusion in Pre-Kindergarten Through 3rd Grade*, and strongly urges the Joint Committee on Education to report the bill favorably. **This bill would improve educational outcomes by replacing the use of exclusionary discipline in response to minor offenses by students in Pre-K through 3rd grade with effective, alternative approaches like restorative practices, mediation, and other forms of conflict resolution.**

The mission of the Chapter 222 Coalition is to advocate for policy change to protect students in Massachusetts from unnecessary school pushout, with a focus on students of color and students with disabilities who are most impacted by the uneven administration of exclusionary discipline. Addressing the harmful realities of discriminatory school discipline is more important than ever, as students are transitioning back to in-person schooling following the height of the pandemic.

Many students are returning to school having endured traumatic experiences during the pandemic. There is a **full-scale children's mental health crisis** nationwide and in Massachusetts, especially for students of color whose communities were disproportionately impacted by COVID-19. **As a result of this escalating crisis, members of the Chapter 222 Coalition have observed discipline rates rise significantly over the first few months of this school year, which unsurprisingly have disproportionately impacted Black and Brown children.** Now is the time for Massachusetts schools to make fundamental shifts away from punitive discipline for our youngest learners, particularly young students of color, who from an early age are pushed out of the classroom and into the school-to-prison pipeline through the use of exclusionary discipline.

Racial disparities in the administration of exclusionary discipline begin at the very start of a child's educational journey. In Massachusetts, Latinx and Black children in public Pre-K through 3rd grade programs are 3x and 4x more likely to experience exclusionary discipline than white students, respectively. Young students facing school exclusion are also more likely to have a disability, and 75% of the total early grade population excluded from the classroom because of discipline are economically disadvantaged.¹

¹ All data are based upon the 2018-2019 school year. Definition of economically disadvantaged: <https://www.doe.mass.edu/infoservices/data/ed.html>

Members of the Chapter 222 Coalition have handled many cases involving young children being punished and treated harshly rather than receiving the additional help or support that they needed. For example, a five-year-old Black boy with autism became overwhelmed by loud noises and visual stimulation in the classroom (a common feature of many children with autism), and would put his hands over his ears and yell. When this happened, school staff immediately removed him from the classroom and called his mother to come pick him up. Sometimes, when his mother arrived to pick him up, he would be crying in the office, saying he did not understand why he had to go home, and other times, he would be happily coloring with the principal and appeared confused about why he was being sent home. This young child was sent home for this exact pattern **42 out of 60 days** during his first month of kindergarten.

Other examples include: A six-year old girl who ran out of the classroom during reading time because she was struggling to learn to read and was subsequently sent home nine out of 14 days in a row. A five-year-old boy who was sent home for refusing to share Play Dough with a classmate; an eight-year-old was suspended *for three days* because, when a teacher told him he needed to stand still in line, he told her that no eight-year-old could stand still for that long and that she should “change the stupid rule;” a seven-year-old child was sent home every single day for the first two months of first grade because he refused to talk during class. These cases are not outliers; they are a part of a broader trend of young children being pushed out of the classroom and out of school rather than receiving support and understanding.

These children – all low-income children of color, many of whom have disabilities – were deprived of their education for either disability-related or developmentally typical behavior. It is unconscionable for Massachusetts to continue to allow our schools to deny these very young children of color not only their academic education, but their opportunity to make friends, learn how to be in school, and begin dreaming of who they might become.

Students in the early grades need to be protected, nurtured, and kept in the classroom where they can learn and develop. **This bill is particularly vital because during this formative school period, children are building an educational foundation and learning to read. One in six children who are not reading proficiently in 3rd grade do not graduate from high school on time. This is a rate 4x greater than that for proficient readers.² Young students pushed out of the classroom at an early age are more vulnerable to school dropout in later years due to a lack of reading proficiency.** It is thus essential that young students of color and students with disabilities are not deprived of the foundational blocks of all their future learning; otherwise, we will drive these children on the pathway to dropout, which carries numerous consequences for them and our society at large, including an increased likelihood of living in poverty, requiring public assistance, or entering the criminal justice system.

Ultimately, excluding students of color, students with disabilities, and economically disadvantaged students from the classroom at an early age makes it increasingly likely these students will experience expulsion or suspension in later grades, face poor academic performance, fail to graduate on time, or dropout altogether.³ These types of adverse outcomes are all the more likely in the

² Annie E. Casey Foundation, *Early Warning! Why Reading by the End of Third Grade Matters* (2010) <https://www.aecf.org/resources/early-warning-why-reading-by-the-end-of-third-grade-matters/>

³ Dolores A. Stegelin, Institute for Child Success, “Preschool Suspension and Expulsion: Defining the Issues,” (December 2018) <https://www.instituteforchildsuccess.org/wp-content/uploads/2018/12/ICS-2018-PreschoolSuspensionBrief-WEB.pdf>; Linda Raffaele Mendez, New Directions for Youth Development, “Predictors

context of the COVID-19 pandemic. As young students return to school from traumatic experiences brought on by the pandemic, including inequities in access to learning during virtual and hybrid schooling,⁴ now is the time to ensure that students are able to remain in the classroom where they can get back on track while feeling safe and supported.

H.3876 would significantly address this escalating crisis. This bill aims to improve educational outcomes for the Commonwealth's most vulnerable children by replacing the use of exclusionary discipline for minor offenses in the early grades with effective, alternative approaches like restorative practices, mediation, and other forms of conflict resolution. After the implementation of this policy for public schools in grades Pre-K through 3rd grade, this bill expands in scope to protect 4th graders one year after enactment, and 5th graders two years after enactment.

The Boston Public School system⁵ – along with 11 other states and 12 municipalities – has already instituted similar bans on the use of exclusionary discipline for young students.⁶ It is time for the entire Commonwealth of Massachusetts to catch up.

For all of these reasons, the Chapter 222 Coalition strongly urges you to issue a favorable report for H.3876, *An Act Enhancing Learning in the Early School Years Through a Ban on School Exclusion in Pre-Kindergarten Through 3rd Grade*.

Respectfully submitted,

Anti-Defamation League New England
Center for Public Representation
Citizens for Juvenile Justice
Citizens for Public Schools
Greater Boston Legal Services
Health Law Advocates
Massachusetts Advocates for Children
Massachusetts Appleseed Center for Law and Justice
Massachusetts Law Reform Institute
Mental Health Legal Advisors Committee
The EdLaw Project of the Committee for Public Counsel Services
The Federation for Children with Special Needs

of suspension and negative school outcomes: A longitudinal investigation” (February 2003)
<https://www.justice4all.org/wp-content/uploads/2016/04/Predictors-of-Suspension-and-Negative-School-Outcomes-A-Longitudinal-Investigation.pdf>

⁴ Citizens for Juvenile Justice, “Fourth K-12 Parent Survey Finds Concern Over Learning Loss”
<https://myemail.constantcontact.com/JJNews--Fourth-K-12-Parent-Survey-Finds-Concern-Over-Learning-Loss.html?soid=1102765975005&aid=WDP2FUzpj7U>

⁵ Max Larkin, “Boston Schools To End Suspension For Youngest Students, Focus On Alternatives For All Students” (November 16, 2018) <https://www.wbur.org/news/2018/11/16/boston-school-discipline>

⁶ States: California, Colorado, Connecticut, Hawaii, Illinois, Maryland, New Jersey, Ohio, Oregon, Texas, and Virginia. Municipalities: Baltimore, Chicago, Dallas, El Paso, Houston, Louisville, Minneapolis, New York City, Seattle, St. Louis, Syracuse, and Washington D.C