

An Act Enhancing Learning in the Early School Years Through a Ban on School Exclusion in Pre-Kindergarten Through 3rd Grade



H.3876 (Rep. Decker)

The Young Student Exclusion Ban Act aims to 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.** For example, this bill would have prevented a kindergartener from being suspended for shutting a door that accidentally caught a teacher's hand,¹ which could have been effectively addressed by alternative means.² The scope of this bill expands to 4th grade one year after enactment, and to 5th grade two years after enactment.

Why is limiting exclusionary discipline in the early grades necessary?

- Excluding students from school early predicts expulsion or suspension in later grades and contributes to students' **poor academic performance and failure to graduate on time.**³
- Children need to be in the classroom as they build their educational foundation and learn to read. One in six children who are not reading proficiently in 3rd grade do not graduate from high school on time, a rate **4x greater** than that for proficient readers.⁴
- An early grades suspension and expulsion ban is necessary to **address long standing inequities**, and opportunity and achievement gaps in education.

What are the alternatives?

- This bill requires the Department of Elementary and Secondary Education to provide guidance and support to school districts and school staff on alternatives to suspension and expulsion such as **restorative justice, mediation, and other forms of conflict resolution.**
- Alternatives like restorative practices are particularly important now, as young students return from the traumatic experience of virtual learning due to the **COVID-19 Pandemic.**

Has this ever been done before? YES!

- Starting in the 2019-2020 school year, Massachusetts' largest public school district – Boston Public Schools – instituted a ban on the suspension of all students in kindergarten through 2nd grade and banned suspensions of 3rd through 5th grade students for minor offenses.
- **Eleven other states and 12 municipalities have already instituted similar bans** on the use of exclusionary discipline for young students. *It's time for the state of Massachusetts to catch up!*

Questions? Contact Melanie Rush at melanie@massappleseed.org or Erin Stewart at erinstewart@cfjj.org

[1] Peter Balonon-Rosen, WBUR Learning Lab, "Mass. Had Hundreds Of Suspensions Last Year — In Kindergarten And Pre-K" (February 3, 2016) <http://learninglab.legacy.wbur.org/2016/02/03/mass-had-hundreds-of-suspensions-last-year-in-kindergarten-and-pre-k/>

[2] Current law prohibits expulsion for these minor offenses, but does allow for suspension.

[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 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] 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/>

[5] All data listed here are based upon the 2018-2019 school year.

Who would a ban on exclusionary discipline help in Massachusetts?

All young children who are excluded from school for relatively minor disciplinary offenses, and in particular:

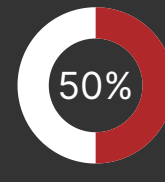
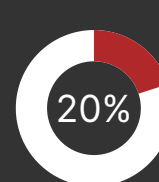


Young **Black children**, who are over 4x more likely to experience exclusionary discipline than white students.



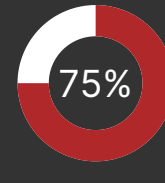
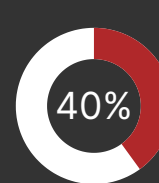
Young **Latinx children**, who are almost 3x more likely.

Children with disabilities



only account for roughly 20% of students in these early grades statewide, but comprise nearly 50% of the early-grade disciplined population.

Economically disadvantaged children



account for roughly 40% of MA public school students in preschool through 3rd grade, but comprise over 75% of the total population excluded from the classroom because of discipline.⁵