

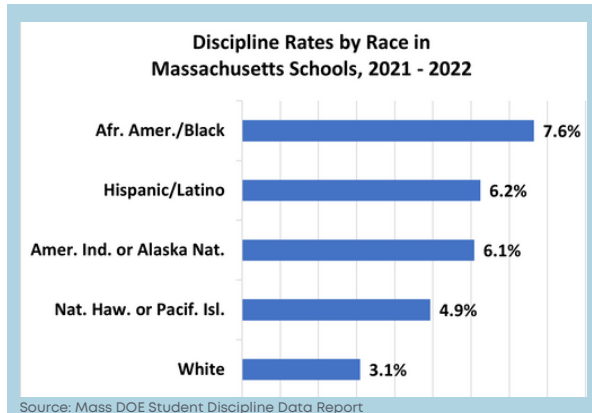


# AN ACT TO REMEDY DISPARITIES IN STUDENTS' EDUCATIONAL ACHIEVEMENT



S.294/H.597

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Children of color, those living with disabilities, and child-welfare involved children are overrepresented in the child welfare, juvenile justice, and later, adult criminal legal systems. When students get what they need to succeed and remain in school they enter adulthood with a much brighter future.



Black students are **2.5x more** likely and Latinx students are over **2x more** likely to be suspended than their white peers

This bill narrows the acceptable parameters for suspension or expulsion to prevent students from losing their education due to minor infractions and ensures that students who are facing more serious allegations have the right to due process. This bill **DOES NOT** prohibit principals from excluding students who present a safety risk to the school.

Black students lost an average of **103 days** of instruction suspension per 100 students

White students lost just **21 days**

**PROBLEM:** The current definition of “weapon” is too broad and students have been overcharged for assault with a dangerous weapon for possessing an empty milk carton or a tube of lip gloss. Similarly, “assault” which also is not defined in the law, has sometimes been applied to include a “menacing” look from a student, or unintentional contact with a teacher.

**SOLUTION:** 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 law allows suspension for any criminal or felony delinquency complaints, whether or not it was for minor, non-violent behavior.

**SOLUTION:** This bill **allows for the suspension** of students who have been issued a criminal complaint without prior steps **only if** a student’s continued presence **poses documentable concern about the infliction of serious bodily injury** upon another person while in school.

**PROBLEM:** Under the current law, students who are being disciplined for allegations of non-serious behaviors have more robust protections delineated than students who are facing more serious allegations involving any felony charges or convictions.

**SOLUTION:** 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.

### Partners:

Mass Advocates for Children · Citizens for Juvenile Justice (CFJJ) · Mental Health Legal Advisors Committee  
Committee for Public Counsel Services (CPCS)

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# H.597 - Additional Sections



The House bill of An Act to remedy disparities in students' educational achievement contains **additional sections** to ensure that school districts are addressing high and disparate rates of discipline by improving school exclusion data reporting and analysis. The House bill also codifies existing regulatory requirements to further strengthen protections against over-disciplining in our public schools.

These sections **DO NOT** require any additional data collection by DESE or school districts. They simply change how we use and present data already collected in accordance with state and federal law and regulation.

## Sections 6-8

- Requires that all schools include disciplinary data reporting and correction planning in a new discipline-specific section of the 3-year plans established by the Student Opportunity Act to address disparities in academic achievement

## Sections 9-10

- Aligns with existing statutory and regulatory requirements and ensures school discipline data collection and reporting by student subgroups (race/ethnicity, gender, ELL status, socioeconomic status, and disability)
- Adds homeless children and youths as a student subgroup
- Requires cross-tabulation of school discipline data to better understand which students are most impacted by over-discipline
- Specifically defines a number of terms that lack substantive definitions in current school discipline law

## Section 11

- Establishes more specific categories for DESE reporting of persistent disparities by district including:
  - Schools with aggregate rates of suspension/expulsion higher than the state average
  - Schools that suspend or expel a disproportionate number of students
  - Schools that display disparate rates of lost instruction between student subgroups
- Ensures that charter schools abide by these reporting requirements

## Sections 12 - 24

- Harmonizes the statute regarding disciplinary action for students facing non-serious offenses (Section 37H<sup>3/4</sup>) with the regulatory definition of expulsion (603 CMR 53.02) to not permit exclusion over 90 school days
- Further codifies regulation that clarifies that no long-term suspension for minor infractions can extend beyond the end of the school year