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September 27, 2011

To: Sen. Sonia Chang-Diaz and Representative Alice H. Peisch, Co-Chairs, and members of the Joint Committee on Education

From: Katherine Whitehouse, Staff Attorney, MetroWest Legal Services

Re: **Support for House Bill 178**, *An Act relative to student access to educational services and exclusion from school*, and **House Bill 177**, *An Act to respond to school exclusion date and reduce school dropouts*.

I would like to thank Senator Chang-Diaz, Representative Peisch, and members of the Joint Committee on Education for the opportunity to speak today in support of House Bills 178 and 177. My name is Katherine Whitehouse, and I am a staff attorney at MetroWest Legal Services. Our office serves low income clients in 36 towns located primarily between Routes 128 and 495, in both Middlesex and Norfolk Counties. In my work I represent parents of students with special education issues, and parents of both general education and special education students with disciplinary issues. My support of both bills comes directly from concerns about disciplinary process and educational access born of my experience in working with these cases.

House Bill 178 addresses concerns about due process procedures and rights for students facing exclusion from school for more than 10 days. I have seen that procedures followed in discipline cases vary from district to district, and even from school to school. H178 details a process that will make disciplinary actions more uniform in structure. It protects the rights of students and their parents, while preserving the ability of administrators to act and make decisions for the both the welfare of the student and the greater school community. In fact, the structure of the process, and specifically section (5) of Section 37H3/4, which lays out the criteria for student exclusion, provides for more flexibility for administrators, as it allows them greater discretion to individualize their responses to each student within that framework.

H178 also provides for a cap on the amount of time a child can be excluded, providing for a way back into school. The cap does not stand by itself, however. H178's other provisions require that there be an education service plan for those students, both general and special education students, who are excluded for more than ten days, including the opportunity to make academic progress and make up any work missed. The education service plans may include alternative education, and school administrators are encourage to seek input from service providers and agencies in order to develop a plan that will best meet the needs of individual students. These provisions would provide a real benefit to my clients, now not generally available. While some of the larger towns in my district do have alternative high schools, many more towns do not. While the bill would require an education service plan, there is great flexibility about what it



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might include, and a definite time limit for each plan, as the goal would be to prepare students to return to the public system at the conclusion of the time they are excluded from school.

I consider discipline cases to be very high stakes cases. Most of my work involves the figurative opening of doors for special needs students. Discipline cases involve trying to ensure that doors do not shut. Exclusion, even for minor, non-violent causes, can change a child's image of him or herself, can lead to falling behind in school or to further disciplinary problems, and possibly to court involvement, and beyond. When a discipline case involves possible permanent exclusion, the stakes are even higher. I have seen parents, already emotional over the difficulties their child is facing, react with shock when they learn that no school system in the state has to take their child in if s/he is permanently excluded, and that the school system has no obligation to continue any educational services for a general education student. Parents of special education students, who do receive continued educational services when permanently excluded, are also shocked to learn that there may be no way back into the public system for their child. For the low income families I represent, there is no realistic option of other, privately funded educational opportunities. Children unfortunately do make mistakes, and I believe that our society should provide structure for their growth, learning, and change so that they may become functioning members of our larger community. I would ask for your support to help keep doors open for our students through support of H178 and H177. Thank you.