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**Testimony of Prisoners' Legal Services in Support of H. 178: An Act to  
Relative to Student Access to Education and Exclusion from School**

Prisoners' Legal Services (PLS) supports this Legislation because zero tolerance disciplinary policies result in the unnecessary criminalization of youth, disproportionate minority confinement, and an irresponsible policy of spending more public tax dollars to incarcerate rather than educate an individual. H178 is a step forward in dismantling what is now widely termed the school to prison pipeline and will help shift the focus of our public schools back to where it belongs: on access to education.

Research unequivocally links suspension and expulsion to dropout and dropout to incarceration.<sup>1</sup> A disproportionate number of African-American and Latino students are suspended and expelled from school and data shows that they are suspended and expelled more and for longer periods of time than their white counterparts.<sup>2</sup> It is no surprise then, that these populations are similarly disproportionately represented in the prison system.<sup>3</sup>

A majority of state prison inmates have not completed high school.<sup>4</sup> Within the juvenile justice population, 70% suffer from learning disabilities and 33% are reading below the 4<sup>th</sup> grade level.<sup>5</sup> Yet, Massachusetts spends five times more per prisoner than per public school student.<sup>6</sup> In FY 2009 alone, the DOC budget grew by 11.8 % while the Massachusetts education budget has suffered cuts- the state's higher education budget, for example, has been cut by 16.3% since FY 2009.<sup>7</sup>

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<sup>1</sup> DeLauri, Linda, *Effective Strategies for Redirecting the School to Prison Pipeline*, Charles Hamilton Houston Institute for Race and Justice, Research Brief, July 2010, p. 1.

<sup>2</sup> Johanna Wald and Daniel Losen, "Defining and Redirecting a School to Prison Pipeline," *NEW DIRECTIONS FOR YOUTH DEVELOPMENT*, (No. 99 Fall 2003); *See also*, Children's Defense Fund, *Cradle-to-Prison Pipeline Fact Sheet*. <http://www.childrensdefense.org/child-research-data-publications/data/state-data-repository/cradle-to-prison-pipeline/cradle-prison-pipeline-massachusetts-2009-fact-sheet.pdf>.

<sup>3</sup> *Id.* at supra note 2

<sup>4</sup> The Sentencing Project, *Facts About Prisons and Prisoners* (Briefing Fact Sheet 1035).

<sup>5</sup> *Abandoned in the Back Row, New Lessons in Education and Delinquency Prevention*", Coalition for Juvenile Justice, 2001 Annual Report.

<sup>6</sup> Children's Defense Fund, *Cradle-to-Prison Pipeline Fact Sheet*. <http://www.childrensdefense.org/child-research-data-publications/data/state-data-repository/cradle-to-prison-pipeline/cradle-prison-pipeline-massachusetts-2009-fact-sheet.pdf>.

<sup>7</sup> Center on Budget and Policy Priorities. <http://www.cbpp.org/cms/index.cfm?fa=view&id=1214>, <http://www.cbpp.org/cms/index.cfm?fa=view&id=3550>

The consequences of this focus on law enforcement and criminal justice rather than education are catastrophic.

- Prisons and jails are grossly overcrowded with over 24,000 prisoners occupying cells designed for 16,662. The Dartmouth House of Corrections and The Awaiting Trial Unit at MCI Framingham are the most overcrowded facilities in the state at 380% and 381% occupancy respectively.<sup>8</sup> This is not only inhumane but is also unhealthy and unsafe for prisoners and staff alike.
- A perfect storm is brewing in the DOC. The parole rates have dropped by 50% from 61% to 33% in the first 5 months of 2011. Zero tolerance policies in our education and criminal justice systems will only serve to exacerbate the DOC's current overcrowding crisis.
- Overcrowding contributes to substandard and stressful conditions in our prisons. In 2010, Massachusetts had four times the national average of state prison suicides.
- The current system of warehousing as opposed to treating, training and educating has resulted in public safety concerns and inexcusably high recidivism rates

We do not want to see nor can we afford to have more prisoners in Massachusetts. Across the country, states are looking at ways to reduce their prison populations- many are focusing on education and other preventative and rehabilitative measures in addressing the problem.

We have an opportunity here to stem the flow of youth to our criminal justice system. H178 is a step in the right direction and is grounded in evidence based practices, unlike today's zero tolerance policies. If the committee and legislature fail to vote for this legislation, Massachusetts will continue to deprive its youth of a right to an education and will continue to feed promising minds into the prison pipeline.

It is reprehensible that a child who is expelled in Massachusetts at whatever age can legally forfeit his or her right to a public education forever. Let's shift the focus back to access to education and away from policies that unnecessarily engage youth in the criminal justice system. The Commonwealth cannot afford it, and can surely do better.

Respectfully submitted  
Leslie Walker  
Executive Director  
September 27, 2011

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<sup>8</sup> [http://www.mass.gov/Eeops/docs/doc/research\\_reports/wkly\\_countsheet/2011/2011\\_wc09\\_19.pdf](http://www.mass.gov/Eeops/docs/doc/research_reports/wkly_countsheet/2011/2011_wc09_19.pdf)