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Good morning, Chairman Walz, Chairman O'Leary, and Committee members. I am pleased to speak before you today to discuss the problem of school exclusions and to support House Bill 3435.

My name is Samuel Senft, and I am a staff attorney at the Medical-Legal Partnership | Boston at Boston Medical Center, the Founding Site of a national network that allies lawyers and health care professionals to address those social determinants of health that are responsive to legal interventions.

MLP | Boston staff and volunteers provide legal services to low-income patient-families on-site at Boston Medical Center and six affiliated community health centers in Dorchester, East Boston, South Boston, and the South End. The majority of our clients are persons of color, immigrants, and English language-learners, in female-headed households with income below 200% of the Federal Poverty Level.

I am here today supporting An Act to Help Students Stay in School because current school discipline legislation is unnecessarily harsh, counter productive and is implemented in such a way as to disproportionately affect racial and ethnic minorities and children with disabilities.

Current Massachusetts disciplinary law is modeled after "zero tolerance policies." Zero tolerance policies do not allow for reasonable discretion in matters of discipline, and in fact mandate that children be punished in sometimes extreme ways, often for relatively minor offenses. Under zero tolerance schemes, children can and are permanently excluded from school for single offenses. There is no requirement that educational, therapeutic or rehabilitative services be provided to these children. If their parents have means, children might be enrolled in private schools but if this is not a financial option, these children are left without an education and with a bleak future outlook.

Hard line discipline policies affect not only children who commit offenses which are classified as violent or drug related, but also children who commit relatively minor offenses, such as disrupting classroom activity. Children with disabilities may be disproportionately affected by these exclusions. In my practice, I worked with the family of a three year old autistic boy who was suspended for throwing a temper tantrum in class. I also worked with a mother whose middle school age student has severe ADHD but was repeatedly suspended for impulsive, non violent behavior.

Children who commit non violent, non drug offenses often find themselves suspended again and again for short periods of time which eventually add up to many missed days of school. Not surprisingly, these children then find themselves falling behind and in some cases may "give up" and drop out of school. I have worked with adolescents who

have repeated suspensions for disruptive, but in no ways violent behavior and who as a result no longer feel it is worth it to show up at school.

In addition to disproportionately affecting children with disabilities, we have found that excluded students are disproportionately low income and racial and ethnic minorities. In other words, minority students caught committing the same types of offenses were more likely to be disciplined by exclusion than white, high income students.

House Bill 3435 is a cost neutral measure. It will address the problem of unnecessary school exclusion by requiring school personnel to consider non-exclusionary methods of discipline prior to suspending or expelling a child, by requiring personnel who do suspend children to explain the reasons for exclusion in writing, by placing a maximum cap of number of days excluding, and by providing a right to appeal with the Commissioner of Education. Under the bill, school personnel retain their authority to discipline children. However, the current harsh exclusionary methods will be replaced by progressive, child centered policy.

I urge you to support House Bill 3435. We cannot afford to continue the legacy of zero tolerance in Massachusetts.