



Education, Not Exclusion!



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An Act to Help Students Stay in School

Overview

An Act to Help Students Stay in School, H. 3435, targets zero tolerance policies that cause unnecessary and lengthy school exclusions (suspensions and expulsions), creating high dropout rates and a high likelihood of entering the juvenile justice system for the students unfairly subject to these provision. Support our bill: convince Massachusetts to change its unduly harsh school discipline laws and help students stay in school.

Learn More

- ◆ Download the Stay in School [Fact Sheet](#).
- ◆ Read text of [H. 3435](#) as filed with the Massachusetts legislature.
- ◆ [Compare](#) the proposed legislation to [current law](#).

Contact Our Team Leaders

Tom Mela
Massachusetts Advocates for Children
617-357-8431 x223
tmela@massadvocates.org

Phil Kassel
South Coastal Counties Legal Services
508-586-2110 x25
pkassel@sccls.org

Joan Meschino
Massachusetts Appleseed
617-482-8686
jmeschino@appleseednetwork.org

Meira Russ
Children's Law Center of Massachusetts
781 244-1432
m.russ@clcm.org

In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.

-- Earl Warren, Chief Justice of the U.S. Supreme Court, in *Brown v. Board of Education*.



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The Need for Change in Our Schools

Unnecessary Exclusion

- ◆ School exclusions have increased dramatically in the last several years in Massachusetts. During the 2002-2003 school year, 1,949 incidents resulted in exclusion of a student for 10 days or more. During the 2006-2007, school year, 4,201 incidents resulted in exclusion of 10 days or more, an increase of 115.5%.
 - ◆ Of the 968,000 students enrolled in Massachusetts schools during the 2006-2007 school year, over 64,000 (6.6%) were excluded from school for 1 or more days.
 - ⇒ This number included children as young as 4 years of age.
 - ⇒ **365 children were permanently excluded** from school. This number included **children as young as 10 years of age**
 - ◆ Many Massachusetts school districts exclude students from school for non-violent misconduct that does not threaten student and school staff safety.

Disparities in exclusion

- ◆ Of the 64,000 exclusions in Massachusetts during the 2006-2007 school year:
 - ◆ 33% of children excluded were in general education and **67% were in special education.**
 - ◆ **19% of children excluded were African American** (who make up only 8% of the total student population); **26% were Hispanic** (who make up only 13% of the general student population)

Link between exclusion and drop-out

- ◆ Research has found that **school exclusion is strongly linked to students dropping out of school.**
- ◆ Analysis of data from the national High School and Beyond survey revealed that 31% of sophomores who dropped out of school had been suspended

Harsh exclusionary policies are harming our youth and taxing the resources of Massachusetts

Contact:

Tom Mela:
tmela@massadvocates.org

Joan Meschino:
jmeschino@appleseednetwork.org

Phil Kassel:
pkassel@sccls.org

Meira Russ:
m.russ@clcm.org



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Key Provisions of the Act

- ♦ A limitation on “zero tolerance” exclusions to those felonies or felony delinquency charges that involve violence toward a person, use of a dangerous weapon, sexual assault, or trafficking in a controlled substance.
- ♦ A 90-school-day cap on all student exclusions (with the exception of firearm violations, which carry a cap of 180 school days).
- ♦ A determination before suspending a student for more than 10 school days that clear and convincing evidence supports a conclusion that the student knowingly or intentionally committed any of the zero tolerance infractions, that there is a substantial likelihood the misconduct will recur, and that the student's continued presence in school would have a “substantial detrimental effect” on the general welfare of the school.
- ♦ A written explanation when excluding a student for more than 10 school days.
- ♦ A right of appeal to the Commissioner of the MA Department of Elementary and Secondary Education after a decision to exclude a child is made at the school district level.
- ♦ Annual reports by school districts including the number of disciplinary exclusions, the duration of each exclusion, the reason for each exclusion, the alternative education options provided to students and the number of students re-admitted.

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jmeschino@appleseednetwork.org

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Prevent unfair and unnecessary school exclusions.

Protect our future.

Support An Act To Help Students Stay in School!



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Community Supporters

The following Massachusetts organizations endorse our efforts to help students stay in school:

- American Civil Liberties Union of Massachusetts (ACLU)
- Asian American Legal Defense Education Fund (AALDEF)
- Boston Asian Youth Essential Service
- Brockton Branch of the National Association for the Advancement of Colored People (NAACP)
- Center for Public Representation (CPR)
- Children's Law Center of Massachusetts (CLCM)
- Citizens for Juvenile Justice (CfJJ)
- Citizens for Public Schools (CPS)
- Coalition Against Poverty
- Community Legal Services & Counseling Center (CLSACC)
- Disability Law Center (DLC)
- Lawyers' Committee for Civil Rights under Law of the Boston Bar Association
- Massachusetts Advocates for Children (MAC)
- Massachusetts Appleseed
- Massachusetts Law Reform Institute (MLRI)
- Medical Legal Partnership for Children
- Mental Health Legal Advisors Committee (MHLAC)
- MetroWest Legal Services (MWLS)
- Neighborhood Legal Services (NLS)
- Operation Bootstrap
- Parent Professional Advocacy League (PAL)
- Project HIP-HOP
- South Coastal Counties Legal Services (SCCLS)
- Straight Ahead Ministries, Inc. - Lynn, Youth Reentry Project
- Western Massachusetts Legal Services (WMLS)

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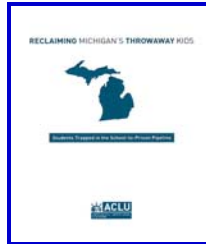
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Resources

School exclusion is ineffective in solving discipline problems and has a significant negative impact on students. Read more...



Michigan—School-to-Prison Pipeline

An ACLU report notes significant racial disparities in choice of punishment for the same offense, and clear indication that Michigan school districts push kids out of

- [Download the report.](#)

Connecticut—Keeping Kids in Line and in School

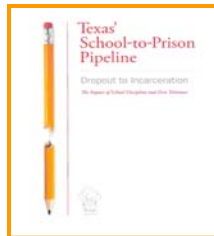
The Washington Post reports on one principals extraordinary efforts to improve order and discipline in his school while cutting suspension rates by 66%.

- [Read the article.](#)

Keeping Discipline In-House

by Nelson Hernandez

Washington Post
June 15, 2009



Texas—School-to-Prison Pipeline

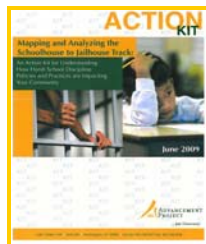
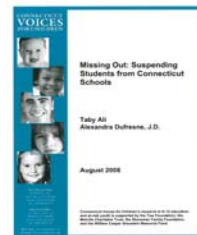
Texas Appleseed reports on the steady stream of students from the school discipline system to the criminal justice system.

- [Download the report.](#)

Connecticut—Serious Suspension Problem

Connecticut Voices for Children documents the serious problem that the overuse of exclusions causes for low income and minority students.

- [Download the report.](#)



School-to-Prison Pipeline Action Kit

The Advancement Project provides tools for analyzing the effects of harsh discipline problems on your community and how to take action against it.

- [Download the action kit.](#)

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