

STATEMENT OF MARTHA P. GRACE  
CHIEF JUSTICE, JUVENILE COURT DEPARTMENT (RETIRED)  
RE: HOUSE BILL 3435

In support, in principle, House Bill 3435. *An Act to Help Students Stay in School* addresses juvenile justice issues that are critically important to public safety and the children of this Commonwealth. Research shows that fifty percent of Massachusetts students who fail to graduate high school will be arrested by age thirty, and that the rates of school exclusion for youth of color in urban school districts contribute to disproportionate minority confinement. Students who are accused of disciplinary infractions should be held accountable but so should we all in creating a system that values proportionality and better protects the public.

DESE reported that there were 68,000 cases of exclusionary school discipline for the school year 2007-2008. While advocates suggest this number may be an understatement the scope of the problem cannot be minimized. Students who do not complete high school pose a much greater risk to be subsequently arrested than do graduates, are more likely to become institutionalized at great cost to taxpayers and more likely to live in poverty. As I understand it, the goals of House Bill 3435 are to limit exclusions of students from school for ten days or more to instances of violent crime and drug trafficking, to limit exclusions to ninety days in most cases and to address procedural questions to ensure that long-term suspension is used for safety reasons. Accordingly, Sec. 37 ½ would be amended to required that charges and hearing rights be stated in written notices to parents and students in the language of origin, requiring that proof of infractions be proved by clear and convincing evidence showing that the continued presence of a student poses a substantial detriment to the school community. The amendments would also allow for appeals of school determinations to be filed with the commissioner of the Department of Elementary and Secondary Education.

I am often asked when I speak if I believe in second chances. I do, as do many people who work with children. Brain imaging and psychological research show that young people and adolescents mature and in many cases adapt their behavior. I would hope that you give this bill serious consideration. You may debate the nuance or detail, but keeping children in school, if possible, is a public safety imperative.