

# An Act to Help Students Stay in School



An Act to Help Students Stay in School proposes changes to current Massachusetts law governing school exclusions

## The Need for Change in Our Schools

### 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, 3,843 incidents resulted in exclusion of 10 days or more, a 100% increase.
- Over 64,000 incidents resulted in an exclusion from school for 1 or more days.
  - This included children in Pre-K as young as 4 years of age.
  - **365 children were permanently excluded from school.** This number included children in 4<sup>th</sup> grade 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 64,173 exclusions in Massachusetts during the 2006-2007 school year:
  - 33% involved general education students; **67% involved special education students.**
  - **19% of incidents involved African American students** (who make up only 8% of the total student population); **26% of incidents involved Hispanic students** (who make up only 13% of the general student population.
- Of the 31,004 exclusions pursuant to Sect. 37H during the 2006-2007 school year:
  - 19,020 (61%) involved general education students; 11,984 (39%) involved special education students.

### 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***

**... education provides the basic tools by which individuals might lead economically productive lives to the benefit of us all. In sum, education has a fundamental role in maintaining the fabric of our society. U.S. Supreme Court Justice Brennan, *Plyler v. Doe*, 457 U.S. 202, 221 (1982)**

## Key Provisions of the Act

- A 90-school-day cap on all student exclusions (with the exception of firearm violations, which carry a cap of 180 school days).
- 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 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.

*Prevent unfair and unnecessary school exclusions.*

*Protect our future.*

*Support An Act To Help Students Stay in School!*

For more information, please go to [www.massadvocates.org](http://www.massadvocates.org) website or contact:

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