

HOUSE No. 1949

The Commonwealth of Massachusetts

PRESENTED BY:

Tom Sannicandro

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the school to prison pipeline.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	<i>1/20/2011</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/3/2011</i>
<i>Bill Robinson</i>	<i>New England Area Conference NAACP P.O.Box 20128 West Roxbury, MA</i>	

HOUSE No. 1949

By Mr. Sannicandro of Ashland (by request), a petition (accompanied by bill, House, No. 1949) of Tom Sannicandro, Carolyn C. Dykema and another relative to discipline and arrests in the public schools. Education.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the school to prison pipeline.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Whereas, the black community is in a dark place right now with respect to education.
2 “The School To Prison Pipeline” has had a long and devastating affect in criminalizing our youth
3 before they reach leadership age. This situation continues to worsen; and,

4 Whereas, school extreme policies and practices that affect students of color with the
5 oppressive zero tolerance movement involving disciplining them for disruptive non-violent
6 conduct offenses, disturbing the peace and instituting school-based arrests under vague offense
7 categories, such as misbehavior and being disrespectful and then relying on law enforcement and
8 the courts to impose punishments that needlessly remove students from school. 76% of all
9 referrals have been for misdemeanor offenses; and,

10 Whereas, police find calls by teachers for miscellaneous, trivial discipline matters as
11 typically unnecessary for their involvement, and view these and other catchall categories as
12 teachers wanting punishment for misbehavior to help manage their classes. This has contributed

13 to suspensions and expulsions of blacks students at a highly disproportionate rate of 3.5 times the
14 rate of white youth; and,

15 Whereas, restraints by law enforcement, in some cases, have expanded into physical
16 assaults situations and is contributing to the well-documented disproportionate racial disparities
17 of detentions; and,

18 Whereas, the combined endeavors of schools and law enforcement in conducting “School
19 To Prison Pipeline” policies and practices are advancing toward institutionalized “Bullying”
20 when they correlated with the definitions in the M.G. L., CMR and Title 6 statutes; and,

21 Whereas, as the “The School To Prison Pipeline” problems are increasing with the use of
22 disciplinary alternative schools and secured detention to marginalize our most at-risk youth by
23 deny them access to education. The state is missing an opportunity to make improvements in
24 areas of overall learning. The national education rating reports indicate that when more students
25 stay in schools, the state’s nationally rated category positions may also improve. Although
26 Massachusetts is rated in 1st place in standards, there is a disconnect in other areas:

- 27 - Minority access to good schools is at a low performance rate of 27%
- 28 - Is in 32nd position in nation on black graduations
- 29 - Has a graduation rate gap of a 26% between white and black males
- 30 - Is in 12th position in nation in proficiency
- 31 - Is in 9th position in nation in overall achievement
- 32 - Is in 18th position in nation in learning achievement

33 - Is in 32nd position in nation in efficiency;

34 and,

35 Whereas, Interrupting “The School To Prison Pipeline” can be accommodated
36 procedurally using the framework of the Bullying Bill Law which does not require additional
37 funding and staffing of non-school related activities, functions, or programs, and the data that is
38 collected is already mandated by existing M.G.L. and CMR statues so it can be reviewed and
39 analyzed; and,

40 Whereas, the Bullying Prevention Intervention Plans developed individually by the
41 schools are not uniform across the state, do not address all aspects of the “Hostile Environment”
42 conditions within the institutions and must be examined for the purpose of organization and
43 supplementation to include support to interrupt “The School To Prison Pipeline” such as having
44 its own entry in the Superintendent’s Checklist.

45

46 Therefore, the following amendments to Massachusetts General Laws, Code of
47 Massachusetts Regulations and specifically the current implementation of the Bullying Bill
48 should be adopted to stop the “The School To Prison Pipeline” affect that is criminalizing our
49 youth.

50

51 SECTION 1. Section 37O of Chapter 71 as appearing in the 2008 Official Edition of the
52 General Laws is hereby amended by adding after the paragraph defining the “Hostile
53 Environment” the following new definition.

54

55 “Institutionalized-bullying”, the inappropriate use of educational policies and practices
56 that results in school-based arrests of students. Through misapplication of zero-tolerance school
57 discipline combined with the involvement of law enforcement on school grounds, students are
58 being punished for vague non-violent offenses, such as disturbing the peace, misbehavior,
59 disrespectful, disruptive conduct and other catchall categories of miscellaneous trivial
60 misdemeanors that contribute to (I) suspensions and expulsions; (II) court impose punishments;
61 (III) needlessly remove of students from school; (IV) referral to alternative schools; and (V)
62 correlate with the definition of “Hostile Environment” conditions by adults in disciplining
63 students.

64

65 SECTION 2. Section 37O of of Chapter 71 as appearing in the 2008 Official Edition of
66 the General Laws is hereby amended by adding after the word “cyber-bullying” in line 72 the
67 following words:-

68 , Institutionalized-bullying

69

70 SECTION 3. Section 37O of Chapter 71 as appearing in the 2008 Official Edition of the
71 General Laws, is hereby amended by removing after the word “action;” in line 91 the following:-
72 and

73 SECTION 4. Section 370 of Chapter 71 as appearing in the 2008 Official Edition of the
74 General Laws, is hereby amended by adding after the word “students” in line 92 the following
75 words:-

76 ; and (ix) the misapplication of school discipline, which involves law enforcement,
77 resulting in school-based arrest of a student on school grounds, shall be subject to disciplinary
78 action as prescribed in student safety policies and regulations.

79

80 SECTION 5. The Department of Elementary and Secondary Education shall promulgate
81 regulations to do the following:

82 Establish reporting requirements for school-based arrests that similar to the ones used for
83 physical restraint.

84 Establish notice to parent’s requirements for school-based arrests that similar to the ones
85 used for physical restraint.

86 Establish notice to law enforcement agency procedures, as a process for informal
87 communications, to establish agreements that will avoid school-based arrests for misapplication
88 of zero-tolerance school policies and practices in the disciplining of students that are being
89 punished for disturbing the peace, misbehavior, disrespectful, disruptive conduct and other
90 catchall categories of miscellaneous trivial misdemeanors.

91 Establish a bi-annual reminder entry in the Superintendent’s Checklist to notify faculty
92 relative to the misapplication of school policies and practices in the disciplining of students.