

**HOUSE . . . . . No. 3876**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Marjorie C. Decker*

*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 enhancing learning in the early school years through a ban on school exclusion in pre-kindergarten through 3rd grade.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/18/2021</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>12/17/2021</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>12/21/2021</i>

**HOUSE . . . . . No. 3876**

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By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 3876) of Marjorie C. Decker for legislation to ban school exclusion in pre-kindergarten through 3rd grade. Education.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

An Act enhancing learning in the early school years through a ban on school exclusion in pre-kindergarten through 3rd grade.

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

1 SECTION 1. The General Court hereby finds and declares that:

2 (1) to give students, especially the most vulnerable, the ability to be prepared for post  
3 third grade—an important educational milestone—students must be in school to learn during the  
4 prekindergarten to third grade years;

5 (2) the department of elementary and secondary education must give enhanced attention,  
6 tools and resources to create effective responses to the disciplinary challenges that educators face  
7 in teaching students in prekindergarten to third grade;

8 (3) fourth and fifth grade students require sufficient time in school, as their final years in  
9 elementary school similarly represent an important educational milestone; and

10 (4) these steps will enhance equal educational opportunity because disparities in school  
11 discipline lead to disparate educational outcomes for students.

12 SECTION 2. Section 37H<sup>3</sup>/<sub>4</sub> of chapter 71 of the General Laws, as appearing in the 2018  
13 Official Edition, is hereby amended by inserting before paragraph (a) the following paragraph:-

14 This section shall govern the suspension and expulsion of students enrolled in a public  
15 school in the commonwealth who are not charged with a violation of subsections (a) and (b) of  
16 section 37H or with a felony under section 37H<sup>1</sup>/<sub>2</sub>.

17 SECTION 3. Said section 37H<sup>3</sup>/<sub>4</sub> of said chapter 71, as so appearing, is hereby further  
18 amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

19 (a) A student enrolled in a public prekindergarten program, kindergarten, first grade,  
20 second grade or third grade may not be suspended or expelled from school in response to  
21 discipline infractions.

22 SECTION 4. Said section 37H<sup>3</sup>/<sub>4</sub> of said chapter 71, as so appearing, is hereby further  
23 amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

24

25 (a) A student enrolled in a public prekindergarten program, kindergarten, first grade,  
26 second grade, third grade or fourth grade may not be suspended or expelled from school in  
27 response to discipline infractions.

28 SECTION 5. Said section 37H<sup>3</sup>/<sub>4</sub> of said chapter 71, as so appearing, is hereby further  
29 amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

30

31 (a) A student enrolled in a public prekindergarten program, kindergarten, first grade,  
32 second grade, third grade, fourth grade or fifth grade may not be suspended or expelled from  
33 school in response to discipline infractions.

34 SECTION 6. Said section 37H<sup>3</sup>/<sub>4</sub> of said chapter 71, as so appearing, is hereby further  
35 amended by adding the following subsection:-

36 (g) The department shall provide guidance and support to school districts to provide  
37 school staff with best practices to respond to concerns related to student behavior including, but  
38 not limited to, alternatives to suspension and expulsion such as restorative justice and other  
39 forms of conflict resolution.

40 SECTION 7. Section 4 shall take effect 1 year after passage of this act.

41 SECTION 8. Section 5 shall take effect 2 years after passage of this act.