# **SENATE . . . . . . . . . . . . . . . . . No. 286**

## The Commonwealth of Massachusetts

#### PRESENTED BY:

### Harriette L. Chandler

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

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

An Act relative to safer schools.

#### PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Harriette L. Chandler	First Worcester	
Jack Patrick Lewis	7th Middlesex	2/24/2021
Kay Khan	11th Middlesex	2/25/2021
Lindsay N. Sabadosa	1st Hampshire	2/26/2021
Mary S. Keefe	15th Worcester	3/3/2021
Michael O. Moore	Second Worcester	3/5/2021
Erika Uyterhoeven	27th Middlesex	3/13/2021
Adam G. Hinds	Berkshire, Hampshire, Franklin and	4/20/2021
	Hampden	
Mathew J. Muratore	1st Plymouth	4/27/2021

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By Ms. Chandler, a petition (accompanied by bill, Senate, No. 286) of Harriette L. Chandler, Jack Patrick Lewis, Kay Khan, Lindsay N. Sabadosa and other members of the General Court for legislation relative to safer schools. Education.

## The Commonwealth of Massachusetts

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

An Act relative to safer schools.

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. Section 37P of Chapter 71, as appearing in section 79 of Chapter 253 of the
2	Acts of 2020, is hereby amended by inserting, after the last sentence of the fifth paragraph of
3	subsection (b) the following words:-

4	The model memorandum of understanding shall expressly state that school resource
5	officers, and any special service officers appointed to the school district, shall not: (i) serve as
6	school disciplinarians, enforcers of school regulations or in place of licensed school
7	psychologists, psychiatrists or counselors; and (ii) use police powers to address traditional school
8	discipline issues, including non-violent disruptive behavior. The guiding principle for involving
9	a school resource officer in a school-related matter is whether student behavior rises to the level
10	of criminal conduct that poses (1) real and substantial harm or threat of harm to the physical or
11	psychological well-being of other students, school personnel, or members of the community or
12	(2) real and substantial harm or threat of harm to the property of the school. The school resource

officer's response to the school-related matter shall be guided by the techniques, including deescalation and anti-bias training, required for certification as a school resource officer under
section 116H of chapter 6.

SECTION 2. Section 37P of Chapter 71, as appearing in section 79 of Chapter 253 of the
Acts of 2020, is further amended by striking out subsection (d) and inserting in its place the
following subsection:

19 (d) For the purpose of fostering a safe and healthy environment for all students through 20 strategic and appropriate use of law enforcement resources and to achieve positive outcomes for 21 youth and public safety, a chief of police, at the request of the superintendent and subject to 22 approval from the department of elementary and secondary education and to appropriation, shall 23 assign at least 1 school resource officer to serve the city, town, commonwealth charter school, 24 regional school district or county agricultural school. In the case of a regional school district, 25 commonwealth charter school or county agriculture school, the chief of police of the city or town 26 in which the school is located shall, at the request of the superintendent and subject to approval 27 from the department of elementary and secondary education, assign the school resource officer 28 who may be the same officer for all schools in the city or town. Annually, not later than July 16, 29 the superintendent shall report to the department of elementary and secondary education and 30 publicly present to the relevant school committee: (i) the cost to the school district of the 31 assigned school resource officers, any special service officers appointed to the school district, 32 and any security staff; (ii) a description of the proposed budget for mental, social or emotional 33 health support personnel for the school; and (iii) the number of school-based arrests, citations, 34 and court referrals, applications for criminal or delinquency complaints, field interviews, 35 searches and seizures made of students and any other interactions between students and officers

36 resulting in student disciplinary action or diversion made in the previous year, disaggregated as 37 required by the department of elementary and secondary education. The superintendent shall also 38 report and publicly present the number of school-related reports entered into the local law 39 enforcement agency's computer system, and the number of school-related reports shared with 40 other law enforcement agencies, including via the Boston Regional Information Center and other 41 federal fusion centers. A superintendent's failure to provide and publicly present the data as 42 described above shall bar the department of elementary and secondary education's approval of 43 the assignment of any school resource officer(s), or appointment of any other special service 44 officers to the school district, unless and until such data is provided and publicly presented to the 45 department of elementary and secondary education and relevant school committee, mayor, city 46 council, and board of aldermen.

SECTION 3. Section 37P of chapter 71, as appearing in section 79 of Chapter 253 of the
Acts of 2020 is hereby further amended by striking out in the second paragraph of subsection (g),
the words "school-based arrests, citations and court referrals of students" and inserting in place
thereof the following words:-

51 the data described in subsection (d) above.

52 SECTION 4. Chapter 71 of the General Laws, as appearing in the 2018 Official Edition,
53 is hereby amended by inserting after section 37R the following section:-

- 54 Section 37S. (a) As used in this section the following words shall, unless the context
  55 clearly requires otherwise, have the following meanings:-
- 56 "Holistic school health and safety practices", practices that: a) have been shown to
  57 strengthen positive relationships and communication between students and adults; b) contribute

to building a school-wide culture that is affirming and embracing of the diversity of cultural,
linguistic, and racial backgrounds of enrolled students and their families; c) support nondisciplinary strategies of resolving conflicts with students; and d) are effective without
unnecessary reliance on school exclusion or referral to law enforcement.

62 "School-based security personnel", school resource officers, special service officers 63 appointed by local law enforcement agencies at the request of other departments of their cities, 64 other law enforcement agents, or security guards who are assigned to the premises of a school or 65 district, whether or not they are employed directly by the school or the district seeking such 66 grants. For the purposes of this section, district-level staff who oversee a school district's safety 67 operations are not considered "school-based security personnel."

(b) The board of elementary and secondary education shall, subject to appropriation,
make one- or two-year grants to public school districts and/or individual public schools,
including regional school districts and charter schools, for the cost of transitioning to, and/or
implementing, holistic school health and safety practices that do not include law enforcement
presence. Such practices shall include all practices listed under the definition of "holistic school
health and safety practices" listed in Section 375(a), as well as, but not limited to:

(1)The creation of advisory groups that enable students to meet regularly with a school
staff member and a group of their peers, and other practices or adjustments to student and staff
schedules that create space for relationship building;

(2)Practices that support the creation of healthy relationships and counter sexual
harassment, sexual assault, and harassment based on other identities, including race, gender,
sexual orientation, and religion;

80	(3)Restorative justice, and related practices shown to resolve and reduce conflict among
81	students and/or between students and staff; and
82	(4)Staffing students' arrival, dismissal, and other transition periods with adults with ties
83	to students' communities who are skilled at engaging youth and deescalating conflicts.
84	Nothing in this section shall prohibit a school from contacting law enforcement in an
85	emergency.
86	(c) The following costs shall be eligible uses of such grants:
87	(1)Identifying and implementing holistic school health and safety practices;
88	(2)Hiring and training staff to implement holistic school health and safety practices,
89	including licensed clinical social workers;
90	(3)Supporting and/or creating school safety teams that include parents, students, teachers,
91	emergency responders, and community to develop or modify the individual school safety plans
92	described above;
93	(4)Providing information and training to members of the school community, including
94	students and parents, on the school safety plans and holistic school health and safety practices
95	described above;
96	(5)Documenting and/or evaluating the impact of the grant, and,
97	(6)Identifying ways to allocate the cost savings of not placing police or other security
98	personnel in schools, including continuation of holistic school health and safety practices upon
99	completion of such grants.

100 The purchase of metal detectors, weapons, or surveillance technology, or the hiring or 101 employment of school-based security personnel is not an eligible use of such grant funds, nor 102 shall such purchases or hiring be made with other sources of funding during the grant term.

(d) A school or district is eligible to apply for such a grant whether or not it had
previously staffed any school-based security personnel, including school resource officers as
defined in section 37P of chapter 71. However, a school or district is not eligible to receive such
a grant if it intends to continue staffing any school-based security personnel beyond the transition
allowed in the first year of such grant. Among grant applicants, schools and districts with higher
percentages of low-income students will be given a competitive preference for award of such a
grant.

110 The department of elementary and secondary education shall establish application 111 requirements for such grants. Such applications must include the prior three years' worth of data 112 on school-based policing pursuant to section 37P of chapter 71, as well as the cost to the school 113 and/or district of employing or assigning school-based security personnel and the sources of 114 funding used to do so. The department shall also establish reporting requirements for grant 115 recipients to evaluate the impact of the grant on school safety, including data on school-based 116 policing as described above.

(e) The department shall serve as a repository for information on holistic school health and safety practices at use in the Commonwealth and elsewhere. To support grantees in implementing, evaluating, and/or replicating holistic school health and safety practices, the department shall establish a community of practice for grantees and other interested schools and districts to share best practices.