

HOUSE No. 4400

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 20, 2024.

The committee on Education, to whom was referred the petition (accompanied by bill, House, No. 478) of Brandy Fluker Oakley and others for legislation to reduce disparities created by exclusionary school discipline policies, the petition (accompanied by bill, House, No. 517) of Kay Khan and Samantha Montaña relative to school-based security personnel and the promotion of holistic school health and safety practices, the petition (accompanied by bill, House, No. 580) of Todd M. Smola, Steven S. Howitt and James K. Hawkins that school administrators consider alternatives to suspension or expulsion of certain students, the petition (accompanied by bill, House, No. 597) of Steven Ultrino, Joan Meschino and others relative to educational achievement disparities of students, reports recommending that the accompanying bill (House, No. 4400) ought to pass.

For the committee,

DENISE C. GARLICK.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to reduce exclusionary discipline for violations of rules related to student grooming and dress.

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 37H of Chapter 71 as appearing in the 2020 Official Edition is
2 hereby amended by inserting after subsection (g) the following:-

3 (h) Any rules related to student dress or grooming included in a school district or charter
4 school’s code of student conduct or otherwise adopted by the school district or charter school
5 shall (1) make no distinction, discrimination, or restriction on account of sex or gender identity
6 (2) not treat students differently or have a disparate impact on any student based on that student’s
7 race, national origin, religion, disability, age, sexual orientation, or gender identity (3) be clear,
8 specific, and objective in defining terms, if used; (4) prohibit any school district or charter
9 school employee from enforcing any rules related to student grooming and dress by direct
10 physical contact with a student or a student's attire; and (5) prohibit any school district or charter
11 school employee from requiring a student to undress in front of any other individual, including
12 the enforcing school district or charter school employee, to comply with the rules related to dress
13 or grooming. Nothing in this section shall limit the rights students are already permitted under

14 Chapter 71, Section 82 of 21 Massachusetts General Laws or any other state or federal laws
15 relating to a student's right to freedom of expression.

16 SECTION 2. Section 37H ³/₄ of Chapter 71 as appearing in the 2020 Official Edition is
17 hereby amended by inserting as the last sentence of subsection (a) the following -: In addition to
18 any rights students may have, in no cases may a school district or charter school suspend or expel
19 a student solely on the basis of an alleged violation of rules related to student dress and
20 grooming, provided however that a school district or charter school may require students to wear
21 clothing of a specific color, and provided further that nothing herein shall limit school districts
22 or charter school from taking action to prevent bullying of any student as defined in M.G.L
23 Chapter 70, section 370 or harassment of any student on account of race, color, sex, gender
24 identity, religion, national origin, or sexual orientation.

25 SECTION 3. The changes detailed in Sections 1 and 2 shall take effect 60 days after
26 passage of this act.

27 SECTION 4. The Department of Elementary and Secondary Education shall adopt,
28 promulgate, amend and rescind rules and regulations or formulate policies and recommendations
29 as necessary, including training, to effectuate the purpose of Sections 1 and 2