

HOUSE No. 517

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 safer schools.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|------------------------------|-----------------------|------------------|
| <i>Kay Khan</i> | <i>11th Middlesex</i> | <i>1/19/2023</i> |
| <i>Samantha Montaño</i> | <i>15th Suffolk</i> | <i>2/27/2023</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>3/29/2023</i> |
| <i>Patricia A. Duffy</i> | <i>5th Hampden</i> | <i>3/30/2023</i> |
| <i>Margaret R. Scarsdale</i> | <i>1st Middlesex</i> | <i>4/3/2023</i> |
| <i>Erika Uytterhoeven</i> | <i>27th Middlesex</i> | <i>4/24/2023</i> |
| <i>John J. Mahoney</i> | <i>13th Worcester</i> | <i>5/16/2023</i> |
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> | <i>6/29/2023</i> |

HOUSE No. 517

By Representative Khan of Newton, a petition (accompanied by bill, House, No. 517) of Kay Khan and Samantha Montañó relative to school-based security personnel and the promotion of holistic school health and safety practices. Education.

The Commonwealth of Massachusetts

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

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 striking out the fifth paragraph of subsection (b) and
3 inserting 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 conduct rises to the level of
10 criminal and delinquent conduct that (1) poses substantial harm to the physical well-being of
11 another person or (2) is willful and malicious and causes substantial harm to the property of the
12 school or (3) constitutes the taking of property of substantial value belonging to another with

13 intent to permanently deprive the property owner of the property. The school resource officer's
14 response to the school-related matter shall be guided by the techniques, including de-escalation
15 and anti-bias training, required for certification as a school resource officer under section 116H
16 of chapter 6.

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

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

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

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

56 the data described in subsection (d) above and shall make such report available for public
57 review. The department and the executive office of public safety and security, in consultation
58 with the model school resource officer memorandum of understanding review commission, shall

59 jointly develop and disseminate guidance to school districts and local law enforcement agencies
60 on how to compile these data.

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

63 Section 37S. (a) As used in this section the following words shall, unless the context
64 clearly requires otherwise, have the following meanings:-

65 “Holistic school health and safety practices”, practices that: a) have been shown to
66 strengthen positive relationships and communication between students and adults; b) contribute
67 to building a school-wide culture that is affirming and embracing of the diversity of cultural,
68 linguistic, and racial backgrounds of enrolled students and their families; c) support non-
69 disciplinary strategies of resolving conflicts with students; and d) are effective without
70 unnecessary reliance on school exclusion or referral to law enforcement.

71 “School-based security personnel”, school resource officers, special service officers
72 appointed by local law enforcement agencies at the request of other departments of their cities,
73 other law enforcement agents, or security guards who are assigned to the premises of a school or
74 district, whether or not they are employed directly by the school or the district seeking such
75 grants. For the purposes of this section, district-level staff who oversee a school district’s safety
76 operations are not considered “school-based security personnel.”

77 (b) The board of elementary and secondary education shall, subject to appropriation,
78 make one- or two-year grants to public school districts and/or individual public schools,
79 including regional school districts and charter schools, for the cost of transitioning to, and/or
80 implementing, holistic school health and safety practices that do not include law enforcement

81 presence. Such practices shall include all practices listed under the definition of “holistic school
82 health and safety practices” listed in Section 375(a), as well as, but not limited to:

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

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

89 (3)Restorative justice, and related practices shown to resolve and reduce conflict among
90 students and/or between students and staff; and

91 (4)Staffing students’ arrival, dismissal, and other transition periods with adults with ties
92 to students’ communities who are skilled at engaging youth and deescalating conflicts.

93 Nothing in this section shall prohibit a school from contacting law enforcement in an
94 emergency.

95 (c) The following costs shall be eligible uses of such grants:

96 (1) Identifying and implementing holistic school health and safety practices;

97 (2) Hiring and training staff to implement holistic school health and safety practices,
98 including licensed clinical social workers;

99 (3) Supporting and/or creating school safety teams that include parents, students,
100 teachers, emergency responders, and community to develop or modify the individual school
101 safety plans described above;

102 (4) Providing information and training to members of the school community, including
103 students and parents, on the school safety plans and holistic school health and safety practices
104 described above;

105 (5) Documenting and/or evaluating the impact of the grant, and,

106 (6) Identifying ways to allocate the cost savings of not placing police or other security
107 personnel in schools, including continuation of holistic school health and safety practices upon
108 completion of such grants.

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

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

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

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