

HOUSE No. 478

The Commonwealth of Massachusetts

PRESENTED BY:

Brandy Fluker Oakley

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 to reduce disparities created by exclusionary school discipline policies.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brandy Fluker Oakley</i>	<i>12th Suffolk</i>	<i>1/19/2023</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>1/31/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/31/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/31/2023</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>1/31/2023</i>
<i>Orlando Ramos</i>	<i>9th Hampden</i>	<i>2/13/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/16/2023</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>	<i>3/2/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>3/4/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/14/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>3/21/2023</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>4/4/2023</i>
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>5/10/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>7/10/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>7/17/2023</i>

HOUSE No. 478

By Representative Fluker Oakley of Boston, a petition (accompanied by bill, House, No. 478) of Brandy Fluker Oakley and others for legislation to reduce disparities created by exclusionary school discipline policies. Education.

The Commonwealth of Massachusetts

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

An Act to reduce disparities created by exclusionary school discipline policies.

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 the following subsection (g) -:

3 (h) Any school board may include in its code of student conduct a dress or grooming
4 code. Any dress or grooming code included in a school board's code of student conduct or
5 otherwise adopted by a school board shall (1) permit any student to wear any religiously and
6 ethnically specific or significant head covering, including hijabs, yarmulkes, scarves, headwraps,
7 and other similar coverings; (2) maintain gender neutrality by subjecting any student to the same
8 set of rules and standards regardless of gender identity; (3) not have a disparate impact on
9 students of a particular race, national origin, religion, disability, age, sexual orientation, or
10 gender identity beyond a 10% discrepancy in violations at each school per year; (4) be clear,
11 specific, and objective in defining terms, if used; (5) prohibit any school board employee from
12 enforcing the dress or grooming code by direct physical contact with a student or a student's

13 attire; and (6) prohibit any school board employee from requiring a student to undress in front of
14 any other individual, including the enforcing school board employee, to comply with the dress or
15 grooming code. This subsection shall not be interpreted to restrict school officials from
16 prohibiting students from wearing clothing with a hateful or vulgar message.

17 SECTION 2. Section 37H $\frac{3}{4}$ of Chapter 71 as appearing in the Official Edition of the
18 General Laws passed through August 10, 2022 is hereby amended by inserting as the last
19 sentence of subsection (a) -:

20 In no case may a student be suspended or expelled solely on the basis of a violation or
21 violations of dress code standards.

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

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