

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Liz Miranda

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 An Act to ensure educational rights are upheld for incarcerated youth.

PETITION OF:

NAME:

Liz Miranda

DISTRICT/ADDRESS:

Second Suffolk

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1542 OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act An Act to ensure educational rights are upheld for incarcerated youth.

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 39 of chapter 15A of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking the first sentence and inserting in place thereof
3 the following: -

4 A qualified student enrolled in a public secondary school, including school-age children
5 in the care or custody of the department of youth services, county houses of corrections or the
6 department of correction, may enroll as a student in Massachusetts public institutions of higher
7 education.

8 SECTION 2. Chapter 71 of the General Laws, as appearing in the 2020 Official Edition,
9 is hereby amended by inserting after section 6A the following section:-

10 Section 6B. All public secondary schools shall credit coursework completed by students
11 in institutional settings, including the county houses of correction, the department of correction,
12 the department of mental health, the department of public health, and the department of youth
13 services toward the public school's graduation requirements and shall list said coursework on the
14 student's transcript.

15 SECTION 3. Section 11A of chapter 71B of the General Laws, as appearing in the 2020
16 Official Edition, is hereby amended by striking out the first sentence and inserting in place
17 thereof the following paragraph:-

18 Upon a student's entry into custody in a jail or correctional facility, the facility will
19 promptly conduct appropriate intake procedures to determine if the student was previously
20 identified as being in need of special education and promptly report this information, as well as
21 any perception that the student, though not identified previously, may be in need of special
22 education to the department of elementary and secondary education. The department shall
23 directly provide special education to school-aged children with a disability in the care and
24 custody of state correctional facilities as defined by section 1 of chapter 125.

25 SECTION 4. Section 1 of chapter 124 of the General Laws, as appearing in the 2020
26 Official Edition, is hereby amended by adding the following subsection:-

27 (v) in accordance with clause (q), the commissioner shall, as part of making and
28 promulgating rules and regulations regarding education, training, and employment, require that
29 all individuals who have not attained their 22nd birthday housed at a county house of corrections
30 or state correctional facility, regardless of classification, disciplinary, or housing status, be
31 provided with opportunities to: receive credit toward high school graduation; graduate from high

32 school; pursue and receive credit for high school equivalency through instruction and testing
33 such as the Hi-Set or GED; pursue and receive credit for higher education; and receive
34 vocational training. The rules and regulations shall require that educational opportunities be
35 offered for a minimum of 6 hours of classroom instruction every weekday, 12 months per year;
36 and pursue, as far as practicable, college-level courses or appropriate vocational education and
37 training. Education for special education students shall be delivered in accordance with
38 established individual education plans or newly established plans where no previous plan exists.
39 New or prior individualized education plans may be reasonably modified, or newly written, to
40 accommodate limitations imposed by the correctional environment, so long as such
41 modifications or new plans do not preclude the delivery of a free appropriate public education or
42 impede progress toward a high school graduation.

43 Interpretation and translation services will be provided to English Language Learner
44 students, including but not limited to those with disabilities, to ensure meaningful access to the
45 special education process, which shall include interpretation services at IEP and Section 504
46 meetings and translated Section 504 plans and IEPs, assessments conducted by or at the request
47 of the facility or its medical service providers as part of an initial evaluation or reevaluation to
48 determine eligibility for special education and related services, and due process rights notices in
49 accordance with Title VI of the Civil Rights Act of 1964 and the Equal Educational
50 Opportunities Act of 1974.

51 SECTION 5. Section 2 of said chapter 124, as so appearing, is hereby amended by
52 striking the last paragraph and inserting in place thereof the following paragraphs:-

53 Subject to the supervision and control of the commissioner, the deputy commissioner for
54 educational services shall, in consultation with the department of elementary and secondary
55 education, establish and maintain standards for all teaching positions in the jurisdiction of the
56 department and shall review the qualifications and performances of all teaching personnel in the
57 department.

58 Each of the said deputy commissioners shall perform such other duties as may be
59 assigned to him from time to time by the commissioner.

60 SECTION 6. Chapter 127 of the General Laws, as appearing in the 2020 Official Edition,
61 is hereby amended by inserting after section 32A the following section:-

62 Section 32B. Any person who has attained the age of criminal majority but has not yet
63 attained the age of 26 in jails or correctional facilities shall be treated as needing aid,
64 encouragement, and guidance, consistent with the goal of positive youth development to assume
65 the responsibilities and exercise the rights of a citizen of the commonwealth.

66 SECTION 7: Section 39 of said chapter 127, as so appearing, is hereby amended by
67 inserting in paragraph (b) after the word "population," in line 31, the following words:-

68 including the right to special education services

69 SECTION 8. Section 48 of said chapter 127, as so appearing, is hereby amended by
70 striking the last paragraph of said section and inserting in place thereof:-

71 The commissioner shall make and promulgate rules and regulations governing programs
72 established under this section which shall include provisions for hours, conditions of
73 employment, wage rates for employment program participants, incentive payments for education

74 and training program participants, provision of good time for participation in education programs
75 at the highest level as awarded by the institution for any activity in the institution, and deductions
76 from said wages pursuant to the provisions of section 86 F.

77 SECTION 9. Section 49A of said chapter 127, as so appearing, is hereby amended by
78 inserting after the third paragraph the following paragraph:-

79 Consistent with the foregoing, all individuals who have not attained their 22nd birthday
80 housed at a county house of corrections or state correctional facility, regardless of disciplinary
81 classification or housing status, shall be provided with a minimum of 6 hours of classroom
82 instruction and educational opportunities on every weekday, 12 months per year to: receive
83 credit toward high school graduation; graduate from high school; receive special education
84 services for those who are eligible; pursue and receive credit for higher education; and receive
85 vocational training.