

SENATE No. 376

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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 addressing school exclusion policies to remedy disparities in students' educational achievement.

PETITION OF:

NAME:

Patricia D. Jehlen

DISTRICT/ADDRESS:

Second Middlesex

SENATE No. 376

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 376) of Patricia D. Jehlen for legislation to promote the education success of court involved children. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 294 OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act addressing school exclusion policies to remedy disparities in students' educational achievement.

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. Subsection (a) of section 37H of chapter 71 of the General Laws, as
2 appearing in the 2020 Official Edition, is hereby amended by striking out in lines 43 to 44,
3 inclusive, the words, “including, but not limited to, a gun or a knife” and inserting in place
4 thereof the following words:-

5 “a device as defined as section 10 of chapter 269 of the General Laws or a controlled
6 substance as defined in chapter ninety-four C, including, but not limited to, cocaine, and heroin,
7 but not including marijuana, may be subject to exclusion from the school or school district by the
8 principal.”

9 SECTION 2. Clause (b) of the fourth paragraph of section 37H of said chapter 71, as so
10 appearing, is hereby amended by striking out the word “assaults”, in line 48, and inserting in
11 place thereof the following words:- willfully assaults, with intent and means to harm.

12 SECTION 3. Said paragraph (1) of said section 37H½ of said chapter 71, as so appearing,
13 is hereby further amended by striking out the words “have a substantial detrimental effect on the
14 general welfare of the school”, in lines 9 and 10, and inserting in place thereof the following
15 words:- pose a specific, documentable concern about the infliction of serious bodily injury upon
16 another person while in school.

17 SECTION 4. Said paragraph (1) of said section 37H½ of said chapter 71, as so appearing,
18 is hereby further amended by striking out, in lines 10 to 12, inclusive, the sentence, “The student
19 shall receive written notification of the charges and the reasons for such suspension prior to such
20 suspension taking effect” and inserting in place thereof the following two sentences:-

21 The student shall receive written notification of the charges and the right to a hearing
22 before the principal. If, after the hearing, the principal chooses to suspend the student, the written
23 notice of the suspension shall include the reasons for such suspension, including the basis for the
24 principal’s determination of the infliction of serious bodily injury upon another person while in
25 school, prior to such suspension taking effect. Further, any student who is placed on diversion
26 prior to arraignment is not eligible for suspension under this section.

27 SECTION 5. Paragraph (2) of said section 37H½ of said chapter 71, as so appearing, is
28 hereby amended by striking out the first paragraph and inserting in place thereof the following
29 three paragraphs:-

30 Upon a student being convicted of a or upon an adjudication or admission in court of
31 guilt with respect to such a felony or felony delinquency, the principal of a school in which the
32 student is enrolled may expel said student if such principal determines that the student's
33 continued presence in school would pose a specific, documentable concern about the infliction of
34 serious bodily injury upon another person while in school. The student shall receive written
35 notification of the charges and right to a hearing before the principal. If after the hearing, the
36 principal chooses to suspend or expel the student, the written notice shall include the reasons for
37 such exclusion, including the basis for the principal's specific, documentable concern about the
38 infliction of serious bodily injury upon another person while in school, prior to such expulsion
39 taking effect. The student shall also receive written notification of his right to appeal and the
40 process for appealing such expulsion; provided, however, that the expulsion shall remain in
41 effect prior to any appeal hearing conducted by the superintendent.

42 For any suspension or expulsion under this section, the principal of a school in which the
43 student is enrolled shall provide, to the student and to the parent or guardian of the student,
44 notice of the charges and the reason for the suspension or expulsion in English and in the
45 primary language spoken in the home of the student. The student shall receive the written
46 notification and shall have the opportunity to meet for a fair hearing before the principal to
47 discuss the charges and reasons for the suspension or expulsion prior to the suspension or
48 expulsion taking effect. The notice shall include the right to be represented by a lawyer or
49 advocate (at the student's expense); adequate time to prepare for the hearing; access to
50 documented evidence prior to the hearing; the right to present witnesses at the hearing and to
51 question them and a reasonably prompt written decision including specific grounds for the
52 decision.

53 The principal shall ensure that the parent or guardian of the student is included in the
54 hearing, provided that such hearing may take place without the parent or guardian only if the
55 principal, or a designee, can document reasonable efforts to include the parent or guardian in that
56 hearing. The department shall promulgate rules and regulations that address a principal's duties
57 under this subsection and procedures for including parents in student exclusion meetings,
58 hearings or interviews under this subsection.

59 SECTION 6. Subsection (a) of section 37H³/₄ of said chapter 71, as so appearing, is
60 hereby amended by striking out, in lines 1-2, the words “and expulsion”.

61 SECTION 7. Subsection (c) of section 37H³/₄ of said chapter 71, as so appearing, is
62 hereby amended by striking out, in line 11, the words “or expulsion”.

63 SECTION 8. Subsection (c) of section 37H³/₄ of said chapter 71, as so appearing, is
64 hereby amended by striking out, in line 15, the words “or expulsion”.

65 SECTION 9. Subsection (c) of section 37H³/₄ of said chapter 71, as so appearing, is
66 hereby amended by striking out, in line 19, the words “or expulsion”.

67 SECTION 10. Subsection (d) of section 37H³/₄ of said chapter 71, as so appearing, is
68 hereby amended by striking out, in line 31, the words “or expulsion”.

69 SECTION 11. Subsection (d) of section 37H³/₄ of said chapter 71, as so appearing, is
70 hereby amended by striking out, in line 36, the words “or expulsion”.

71 SECTION 12 Subsection (d) of section 37H³/₄ of said chapter 71, as so appearing, is
72 hereby amended by striking out, in line 38, the words “or expulsion”.

73 SECTION 13. Subsection (d) of section 37H³/₄ of said chapter 71, as so appearing, is
74 hereby amended by striking out, in line 40, the words “or expulsion”.

75 SECTION 14. Subsection (e) of section 37H³/₄ of said chapter 71, as so appearing, is
76 hereby amended by striking out, in line 53, the words “or expulsion”.

77 SECTION 15. Subsection (e) of section 37H³/₄ of said chapter 71, as so appearing, is
78 hereby amended by striking out, in line 57, the words “or expulsion”.

79 SECTION 16. Subsection (e) of section 37H³/₄ of said chapter 71, as so appearing, is
80 hereby amended by striking out, in lines 72-73, the words “or expulsion”.

81 SECTION 17. Subsection (f) of section 37H³/₄ of said chapter 71, as so appearing, is
82 hereby amended by striking out, in line 74, the words “or expelled”.

83 SECTION 18. Section 37H³/₄ of said chapter 71, as so appearing, is hereby amended by
84 inserting the following sentence at the end of the sixth paragraph:- No long-term suspension shall
85 extend beyond the end of the school year in which such suspension is imposed.