

**SENATE . . . . . No. 00238**

---

The Commonwealth of Massachusetts

\_\_\_\_\_  
PRESENTED BY:

***Karen E. Spilka, (BY REQUEST)***

\_\_\_\_\_

*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 passage of the accompanying bill:

An Act Interrupting the school to prison pipeline.

\_\_\_\_\_  
PETITION OF:

NAME:

*Bill Robinson*

DISTRICT/ADDRESS:

*NAACP New England Area Confeence*

*P.O. Box 320128*

*West Roxbury, MA 02132*

**SENATE . . . . . No. 00238**

---

---

By Ms. Spilka, petition (accompanied by bill, Senate, No. 238) of [petitioners] for legislation to interrupt the school to prison pipeline [Joint Committee on Education].

---

---

The Commonwealth of Massachusetts

—————  
In the Year Two Thousand Eleven  
—————

An Act Interrupting the school to prison pipeline.

*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. Whereas, the black community is in a dark place right now with respect  
2 to education. “The School To Prison Pipeline” has had a long and devastating affect in  
3 criminalizing our youth before they reach leadership age. This situation continues to worsen;  
4 and,

5           Whereas, school extreme policies and practices that affect students of color with the  
6 oppressive zero tolerance movement involving disciplining them for disruptive non-violent  
7 conduct offenses, disturbing the peace and instituting school-based arrests under vague offense  
8 categories, such as misbehavior and being disrespectful and then relying on law enforcement and  
9 the courts to impose punishments that needlessly remove students from school. 76% of all  
10 referrals have been for misdemeanor offenses; and,

11           Whereas, police find calls by teachers for miscellaneous, trivial discipline matters as  
12 typically unnecessary for their involvement, and view these and other catchall categories as  
13 teachers wanting punishment for misbehavior to help manage their classes. This has contributed  
14 to suspensions and expulsions of blacks students at a highly disproportionate rate of 3.5 times the  
15 rate of white youth; and,

16           Whereas, restraints by law enforcement, in some cases, have expanded into physical  
17 assaults situations and is contributing to the well-documented disproportionate racial disparities  
18 of detentions; and,

19           Whereas, the combined endeavors of schools and law enforcement in conducting  
20 “School To Prison Pipeline” policies and practices are advancing toward institutionalized  
21 “Bullying” when they correlated with the definitions in the M.G. L., CMR and Title 6 statutes;  
22 and,

23           Whereas, as the “The School To Prison Pipeline” problems are increasing with the use  
24 of disciplinary alternative schools and secured detention to marginalize our most at-risk youth by  
25 deny them access to education. The state is missing an opportunity to make improvements in  
26 areas of overall learning. The national education rating reports indicate that when more students  
27 stay in schools, the state’s nationally rated category positions may also improve. Although  
28 Massachusetts is rated in 1st place in standards, there is a disconnect in other areas:

- 29 - Minority access to good schools is at a low performance rate of 27%
- 30 - Is in 32nd position in nation on black graduations
- 31 - Has a graduation rate gap of a 26% between white and black males

- 32 - Is in 12th position in nation in proficiency
- 33 - Is in 9th position in nation in overall achievement
- 34 - Is in 18th position in nation in learning achievement
- 35 - Is in 32nd position in nation in efficiency;

36 and,

37           Whereas, Interrupting “The School To Prison Pipeline” can be accommodated  
38 procedurally using the framework of the Bullying Bill Law which does not require additional  
39 funding and staffing of non-school related activities, functions, or programs, and the data that is  
40 collected is already mandated by existing M.G.L. and CMR statues so it can be reviewed and  
41 analyzed; and,

42           Whereas, the Bullying Prevention Intervention Plans developed individually by the  
43 schools are not uniform across the state, do not address all aspects of the “Hostile Environment”  
44 conditions within the institutions and must be examined for the purpose of organization and  
45 supplementation to include support to interrupt “The School To Prison Pipeline” such as having  
46 its own entry in the Superintendent’s Checklist.

47           Therefore, the following amendments to Massachusetts General Laws, Code of  
48 Massachusetts Regulations and specifically the current implementation of the Bullying Bill  
49 should be adopted to stop the “The School To Prison Pipeline” affect that is criminalizing our  
50 youth.

51 SECTION 2. Section 37O of Chapter 71 as appearing in the 2008 Official Edition of  
52 the General Laws is hereby amended by adding after the paragraph defining the “Hostile  
53 Environment” the following new definition.

54 ““Institutionalized-bullying”, the inappropriate use of educational policies and practices that  
55 results in school-based arrests of students. Through misapplication of zero-tolerance school  
56 discipline combined with the involvement of law enforcement on school grounds, students are  
57 being punished for vague non-violent offenses, such as disturbing the peace, misbehavior,  
58 disrespectful, disruptive conduct and other catchall categories of miscellaneous trivial  
59 misdemeanors that contribute to (I) suspensions and expulsions; (II) court impose punishments;  
60 (III) needlessly remove of students from school; (IV) referral to alternative schools; and (V)  
61 correlate with the definition of “Hostile Environment” conditions by adults in disciplining  
62 students.”

63 SECTION 3. Section 37O of of Chapter 71 as appearing in the 2008 Official Edition of  
64 the General Laws is hereby amended by adding after the word “cyber-bullying” in line 72 the  
65 following words:-

66 “, Institutionalized-bullying”

67 SECTION 4. Section 37O of Chapter 71 as so appearing, is hereby amended by  
68 removing after the word “action;” in line 91 the following:-“ and”

69 SECTION 5. Section 37O of Chapter 71 as so appearing, is hereby amended by adding  
70 after the word “students” in line 92 the following words:-

71 “; and (ix) the misapplication of school discipline, which involves law enforcement, resulting in  
72 school-based arrest of a student on school grounds, shall be subject to disciplinary action as  
73 prescribed in student safety policies and regulations.”

74           SECTION 6. The Department of Elementary and Secondary Education shall  
75 promulgate regulations to do the following:

76 “Establish reporting requirements for school-based arrests that similar to the ones used for  
77 physical restraint.

78 Establish notice to parent’s requirements for school-based arrests that similar to the ones used for  
79 physical restraint.

80 Establish notice to law enforcement agency procedures, as a process for informal  
81 communications, to establish agreements that will avoid school-based arrests for misapplication  
82 of zero-tolerance school policies and practices in the disciplining of students that are being  
83 punished for disturbing the peace, misbehavior, disrespectful, disruptive conduct and other  
84 catchall categories of miscellaneous trivial misdemeanors.

85 Establish a bi-annual reminder entry in the Superintendent’s Checklist to notify faculty relative  
86 to the misapplication of school policies and practices in the disciplining of students.”