

SENATE No. 286

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

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:	
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/24/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/25/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/26/2021</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>3/3/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/5/2021</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>3/13/2021</i>

SENATE No. 286

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 286) of Harriette L. Chandler, Jack Patrick Lewis, Kay Khan, Lindsay N. Sabadosa and other members of the General Court for legislation relative to safer schools. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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 inserting, after the last sentence of the fifth paragraph of
3 subsection (b) 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 student behavior rises to the level
10 of criminal conduct that poses (1) real and substantial harm or threat of harm to the physical or
11 psychological well-being of other students, school personnel, or members of the community or
12 (2) real and substantial harm or threat of harm to the property of the school. The school resource

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

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

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

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

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

51 the data described in subsection (d) above.

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

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

56 "Holistic school health and safety practices", practices that: a) have been shown to
57 strengthen positive relationships and communication between students and adults; b) contribute

58 to building a school-wide culture that is affirming and embracing of the diversity of cultural,
59 linguistic, and racial backgrounds of enrolled students and their families; c) support non-
60 disciplinary strategies of resolving conflicts with students; and d) are effective without
61 unnecessary reliance on school exclusion or referral to law enforcement.

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

68 (b) The board of elementary and secondary education shall, subject to appropriation,
69 make one- or two-year grants to public school districts and/or individual public schools,
70 including regional school districts and charter schools, for the cost of transitioning to, and/or
71 implementing, holistic school health and safety practices that do not include law enforcement
72 presence. Such practices shall include all practices listed under the definition of “holistic school
73 health and safety practices” listed in Section 375(a), as well as, but not limited to:

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

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

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

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

84 Nothing in this section shall prohibit a school from contacting law enforcement in an
85 emergency.

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

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

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

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

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

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

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

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

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

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

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