**Promoting the Educational Success of Youth**

**Statement of Support**

**Citizens for Juvenile Justice, in collaboration with the other organizations and individuals listed below, support amending our school discipline statutes to ensure that youth accused of breaking the law do not have their education unnecessarily interrupted without due process.**

**Why change the law?**

Although Massachusetts is often celebrated for having the best public schools in the nation, our state also has one of the worst racial inequities for school achievement, school exclusion, and juvenile justice system involvement. In Massachusetts, Black students are three times more likely and Latinx students are over two times more likely to be suspended than their White peers for the same or similar behaviors. Children of color, children with disabilities, and child-welfare involved children are overrepresented in the juvenile justice, and later, adult criminal legal systems. When students get what they need to succeed and remain in school they enter adulthood with a much brighter future.

1. **Students are currently subject to suspension based upon the issuance of a complaint in court, before they have had any due process in the court system. This means that students are often removed from school and disconnected from their school community based upon an allegation and before the court determines if the facts of the case are sufficient to move forward.**

**This bill would require that these students would only be subject to school exclusion after prosecutors have had an opportunity to review the case and make a decision whether to proceed and the juvenile court makes a determination that the complaint is sufficient and moves to formally arraign a child. This ensures that there is actually “probable cause” to support the allegations against the student. It also allows the youth’s attorney, the district attorney and the judge to consider whether diversion opportunities are appropriate prior to formal arraignment.**

1. **Under the current law, students are often expelled under overly broad definitions of certain offenses like possession of weapons, possession of drugs, and assault on school staff. These overly broad definitions lead to students, many of them very young, being excluded from school for minor infractions.**

This bill will amend Chapter 71 section 37H to bring the definition of a dangerous weapon in line with the federal definition of “dangerous weapon” under 18 U.S.C. § 930. This will prevent students from being expelled for minor offenses such as a student being expelled for forgetting a Swiss army knife in their backpack or using a paperclip.

This bill will also amend the definition of “assault” to mean an action undertaken with the specific intent to cause imminent harm to another. This will prevent students for being excluded for minor offenses like giving a “menacing” look or a young child making unintentional or accidental contact with a teacher during a tantrum.

Lastly, the bill would amend the definition of a “controlled substance” to no longer include marijuana. This would limit long-term exclusion to serious drugs like cocaine, heroin and methamphetamines and would treat marijuana in the same class as cigarettes and alcohol.

Collectively these amendments would continue to allow schools to discipline students for serious misbehavior that has a substantial detrimental effect on the general welfare of the school, but prevents students who engage in behavior that doesn’t meet that standard from being swept out of school.

1. **Under the current law, there are no provisions that clearly spell out the due process protections that available to students who are facing school exclusion based upon serious allegations. This means that parents and students are far too often not informed of their important due process rights such as the right to a fair hearing and the right to representation by an attorney.**

This bill will amend Chapter 71 section 37H to require school systems to provide students and parents with information regarding their due process entitlements around school discipline. These must be in writing and include an opportunity for a fair hearing, the opportunity to be represented by an attorney or an advocate, adequate time to prepare and access to documented evidence prior to hearing and the right to bring witnesses and cross examine the schools witnesses in a school disciplinary matter. Having these due process rights included is essential, as far too often parents and students are not informed and show up to hearings unprepared, leading to some students being excluded that shouldn’t.

**This bill protects the due process rights of students and ensure that students are not unnecessarily pushed out of school, where negative outcomes await. It also does so in a way that ensures a more fair disciplinary process while not taking away a school’s ability to suspend or expel students for behavior banned in the school’s Code of Conduct.**

*For more information, please contact Leon Smith at CfJJ, leonsmith@cfjj.org, 617.338.1050*

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|  | **Promoting the Educational Success of Youth**  **Supporters as of June 2019** |

Action for Boston Community Development

ACLU of Massachusetts

Bethel Institute for Social Justice/Generation Excel

Black and Pink

Black Lives Matter- Worcester

Boston Bar Association

Boston Teachers Union

Bridge Over Troubled Waters

Center for Collaborative Education

Center for Public Representation

Center for Teen Empowerment

Charles Hamilton Houston Institute, Harvard Law School

Children’s Law Center of Massachusetts

Children’s Mental Health Campaign

Citizens for Juvenile Justice

City Mission Society

The City School

Coalition for Effective Public Safety

Committee for Public Counsel Services

Criminal Justice Policy Coalition

Dorchester Youth Collaborative

Ending Mass Incarceration Together

Fair Sentencing of Youth

Families for Justice As Healing

GLBTQ Legal Advocates & Defenders

Greater Boston Legal Services, CORI & Re-entry Project

The Home for Little Wanderers

High Risk Youth Network

I Have a Future/Youth Jobs Coalition

InnerCity Weightlifting

Justice Resource Institute

Juvenile Rights Advocacy Program, Boston College Law School

The Key Program

Lawyers Committee for Civil Rights

Louis D. Brown Peace Institute

Massachusetts Advocates for Children

Massachusetts Commission on LGBTQ Youth

Massachusetts Society for the Prevention of Cruelty to Children

Mental Health Legal Advisors Committee

MissionSAFE

More Than Words

Mothers for Justice & Equality

My Life My Choice

Nat’l Alliance on Mental Illness – MA

Nat’l Assoc. of Social Workers – MA chapter

North American Family Institute

Parents/Professional Advocacy League

Prisoners’ Legal Services

Project RIGHT

RFK Children’s Action Corp

Real Costs of Prison

Roca, Inc.

Roxbury Youthworks

Social Emotional Learning Alliance for Massachusetts

Sociedad Latina

Spectrum Health Services

Strategies for Youth

UTEC

Unitarian Universalist Mass Action Network

Vital Village Network

Year Up

**Sign our Statement of Support!**

Signing on behalf of an **organization**? □ Signing as an **individual**? □

Organization: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­\_\_\_\_

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Email address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| * Share personal stories with legislators or media | * Write a letter to the editor or op-ed in my local paper about these issues |
| * Submit written or oral testimony at a public hearing | * Invite CfJJ to conduct an advocacy training at my organization or group |

**Please return completed form to Sana Fadel at CfJJ:** [**sanafadel@cfjj.org**](mailto:sanafadel@cfjj.org)