

SUPPORT H.1623/ S.842
AN ACT DECRIMINALIZING NON-VIOLENT AND VERBAL STUDENT
MISCONDUCT

Formerly H.4132, this bill was reported favorably by the Joint Committee on the Judiciary and engrossed by the House in the last session

There is growing awareness of a tendency to **arrest and prosecute public school students for non-violent conduct** that in the past resulted in a talking-to from the school principal and an hour in detention. Arrests due to non-violent and verbal student misconduct harm students and unnecessarily tax our court system.

These arrests, fueling what is commonly referred to as the **“school-to-prison pipeline,”** were recently studied in the state’s three largest cities (Boston, Worcester, and Springfield) by Citizens for Juvenile Justice and the ACLU, which analyzed years of school-based police reports. **They found that hundreds of students, disproportionately of color and having disabilities, are arrested annually** in these cities alone; in Springfield, more than half of the students arrested are charged with **“disturbing a school assembly,”** a vague law.

H.1623/S.842 will revise current criminal law and prohibit its use for non-violent misconduct in schools, allowing the extreme steps of arrest and prosecution only for more serious acts of misconduct. The bill makes sense:

- **Arresting students for “mouthing off” is counter-productive:** Arrest and court referral closely correlate to student drop out. Dropouts earn less, pay less in taxes, use more state-funded services, and are imprisoned more often (70% of Massachusetts prisoners are high school dropouts);
- **Arresting students ruins lives:** Students charged with non-violent crimes are labeled as criminals even when charges are minor and are dismissed, which limits their future educational and employment options;
- **Arresting students is unfair:** Students arrested for verbal altercations are most often those living in poor cities and who have disabilities for which they are not getting help. Students in more affluent communities tend to get help, not handcuffed.
- **Students will fare better in school:** Experience in school districts in other states has shown that less reliance on police and courts and focusing on keeping kids in school lead to positive changes in school climate, including decreased arrest rates, increased graduation rates, and better student-staff interactions.

H.1623/S.842 is sponsored by: Rep. Benjamin Swan and Sen. Pat Jehlen. Co-sponsors: Representatives Marjorie Decker; Jose Tosado; Ruth Balser; Aaron Vega; Paul Heroux; John Fernandes; James O’Day; Gloria Fox; Tom Sannicandro; Carolyn Dykema; Kay Khan; Jonathan Hecht; Kenneth Gordon; Louis Kafka; Mary Keefe; Carlos Gonzalez; Elizabeth Malia; Keiko Orrall; Leah Cole; and Chris Walsh; Senators: Jason Lewis; John Keenan; Eileen Donoghue; and James Eldridge.

Organizational Supporters of H.1623/S.842

American Civil Liberties Union of Massachusetts
Anti-Defamation League of New England
Boston Student Advisory Council
Center for Collaborative Education
Center for Public Representation
Charles Hamilton Houston Institute for Race and Justice at Harvard Law School
Children's League of Massachusetts
Citizens for Juvenile Justice
Citizens for Public Schools
Coalition for Social Justice
Federation for Children With Special Needs
Institute on Race and Justice at Northeastern University
Lawyers' Committee for Civil Rights and Economic Justice
Massachusetts Advocates for Children
Massachusetts Appleseed Center for Law and Justice
Mental Health Legal Advisors Committee
National Association of Social Workers-Massachusetts Chapter
National Lawyers Guild, Massachusetts Chapter
Parent/Professional Advocacy League
Prison Policy Initiative
Prisoners' Legal Services
Strategies for Youth
The Home for Little Wanderers
Youth Advocacy Division/Committee for Public Counsel Services

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