PLEASE SUPPORT H.328 & S.876

An Act Decriminalizing Non-Violent and Verbal Student Misconduct

Sponsored by: Representative Elizabeth A. Malia, Representative Aaron Vega, and Senator Patricia D. Jehlen

Arrests and prosecutions of public school students for conduct such as yelling or cursing or running in the halls is a matter of national concern. A study of the three largest school districts in the Commonwealth found that hundreds of students, disproportionately of color and with disabilities, are arrested annually. Before childish misbehavior was criminalized, such matters were handled in house, not by handcuffing and arresting students in front of their peers.

In as many as half of all cases, arrested students are charged with the vague crime of "disturbing a lawful assembly." There is no check on this practice or accountability. While a single day school suspension is reported to the state, arrests are not. Legislatively mandated school/police Memoranda of Understanding offer little guidance on when criminal justice responses are warranted.

H.328 and S.876 will not prohibit arrests for genuine crimes, but will eliminate "public order" arrests of students in school, and assure that MOUs offer meaningful guidance to school staff and police.

H.328/S.876 will:

- Eliminate arrests for disturbing the peace in schools;

- Require MOUs to limit police interventions to genuine crimes – returning responsibility for routine discipline to school staff;

- Require that police officers with relevant background receive preference in school assignments;

- Set standards for arrest that leave police out of routine school discipline and focused on genuine crime;

- Set out protocols for getting help when needed from mental health and other community resources;

- Require regular performance reviews for school-based police;

- Encourage training focused on helping police to contribute to positive school climates;

- Set out systems for arrest data collection, reporting, and publication like school suspensions.

H.328/S.876 is good public policy. Arresting students unnecessarily:

- *Ruins lives*: Students charged with non-violent crimes are saddled with criminal records even when charges are dismissed;

- *Generates enormous societal costs*: Research shows that arrested students tend to disconnect from school and drop out at high rates, often proceeding down what is commonly known as the "school-to-prison pipeline." Dropouts earn less, pay less in taxes, and disproportionately use public benefits;

- *Is unfair*: Students arrested for minor misconduct are most often those living in poor cities. Students in more affluent communities tend to get help, not handcuffed;

- *Creates hostile school climates:* School districts that reduce reliance on police and courts experience higher graduation rates and improved relations between students, school staff, and school-based police.

For more information, please contact: Miriam Ruttenberg at Mental Health Legal Advisors Committee (617) 338-2345 ext. 127; mruttenberg@mhlac.org

(*See reverse side for organizational supporters*)

Coalition for Smart Responses to Student Behavior

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Center for Collaborative Education

Center for Public Representation

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