

SENATE No. 2663

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

SENATE, March 21, 2024.

The committee on Education, to whom was referred the petitions (accompanied by bill, Senate, No. 266) of Sal N. DiDomenico for legislation to enhance the educational outcomes of expectant and parenting students; (accompanied by bill, Senate, No. 282) of Anne M. Gobi and Steven S. Howitt for legislation to promote a healthy culture and climate within schools; (accompanied by bill, Senate, No. 285) of Adam Gomez and Michael J. Barrett for legislation relative to dropout prevention and recovery; (accompanied by bill, Senate, No. 290) of Adam Gomez, Lydia Edwards, James B. Eldridge and Patricia D. Jehlen for legislation to reduce exclusionary discipline for grooming and dress code violations; (accompanied by bill, Senate, No. 294) of Patricia D. Jehlen, Sal N. DiDomenico, James B. Eldridge and Rebecca L. Rausch for legislation to promote the education success of court involved children; (accompanied by bill, Senate, No. 300) of Robyn K. Kennedy for legislation relative to safer schools; (accompanied by bill, Senate, No. 305) of Jason M. Lewis for legislation to promote safe firearm storage education and increase the well-being of students; (accompanied by bill, Senate, No. 341) of Pavel M. Payano for legislation relative to dropout prevention and student recovery; and (accompanied by bill, Senate, No. 348) of Michael F. Rush and Paul McMurtry for legislation relative to parental notification in public schools, report the accompanying bill (Senate, No. 2663).

For the committee,
Jason M. Lewis

SENATE No. 2663

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to reduce exclusionary discipline for violations of rules related to student grooming and dress.

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 37H of Chapter 71 as appearing in the 2020 Official Edition is
2 hereby amended by inserting after subsection (g) the following:-

3 (h) Any rules related to student dress or grooming included in a school district or charter
4 school’s code of student conduct or otherwise adopted by the school district or charter school
5 shall (1) make no distinction, discrimination, or restriction on account of sex or gender identity
6 (2) not treat students differently or have a disparate impact on any student based on that student’s
7 race, national origin, religion, disability, age, sexual orientation, or gender identity (3) be clear,
8 specific, and objective in defining terms, if used; (4) prohibit any school district or charter
9 school employee from enforcing any rules related to student grooming and dress by direct
10 physical contact with a student or a student's attire; and (5) prohibit any school district or charter
11 school employee from requiring a student to undress in front of any other individual, including
12 the enforcing school district or charter school employee, to comply with the rules related to dress
13 or grooming. Nothing in this section shall limit the rights students are already permitted under

14 Chapter 71, Section 82 of 21 Massachusetts General Laws or any other state or federal laws
15 relating to a student's right to freedom of expression.

16 SECTION 2. Section 37H ³/₄ of Chapter 71 as appearing in the 2020 Official Edition is
17 hereby amended by inserting as the last sentence of subsection (a) the following -: In addition to
18 any rights students may have, in no cases may a school district or charter school suspend or expel
19 a student solely on the basis of an alleged violation of rules related to student dress and
20 grooming, provided however that a school district or charter school may require students to wear
21 clothing of a specific color, and provided further that nothing herein shall limit school districts
22 or charter school from taking action to prevent bullying of any student as defined in M.G.L
23 Chapter 70, section 370 or harassment of any student on account of race, color, sex, gender
24 identity, religion, national origin, or sexual orientation.

25 SECTION 3. The changes detailed in Sections 1 and 2 shall take effect 60 days after
26 passage of this act.

27 SECTION 4. The Department of Elementary and Secondary Education shall adopt,
28 promulgate, amend and rescind rules and regulations or formulate policies and recommendations
29 as necessary, including training, to effectuate the purpose of Sections 1 and 2