

**SENATE . . . . . No. 289**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Adam Gomez*

*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 enhancing learning in the early school years through a ban on school exclusion in pre-kindergarten through 3rd grade.

PETITION OF:

NAME:

*Adam Gomez*

DISTRICT/ADDRESS:

*Hampden*

**SENATE . . . . . No. 289**

By Mr. Gomez, a petition (accompanied by bill, Senate, No. 289) of Adam Gomez for legislation to enhance learning in the early school years through a ban on school exclusion in pre-kindergarten through 3rd grade. Education.

**The Commonwealth of Massachusetts**

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

An Act enhancing learning in the early school years through a ban on school exclusion in pre-kindergarten through 3rd grade.

*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. The General Court hereby finds and declares that:

2 (1) to give students, especially the most vulnerable, the ability to be prepared for post  
3 third grade—an important educational milestone—students must be in school to learn during the  
4 prekindergarten to third grade years;

5 (2) the department of elementary and secondary education must give enhanced attention,  
6 tools and resources to create effective responses to the disciplinary challenges that educators face  
7 in teaching students in prekindergarten to third grade;

8 (3) fourth and fifth grade students require sufficient time in school, as their final years in  
9 elementary school similarly represent an important educational milestone; and

10 (4) these steps will enhance equal educational opportunity because disparities in school  
11 discipline lead to disparate educational outcomes for students.

12 (5) these steps are especially important as young students continue to struggle after  
13 experiencing learning loss and traumatic experiences due to the COVID-19 pandemic.

14 SECTION 2. Section 37H<sup>3</sup>/<sub>4</sub> of chapter 71 of the General Laws, as appearing in the 2020  
15 Official Edition, is hereby amended by inserting before paragraph (a) the following paragraph:

16 This section shall govern the suspension and expulsion of students enrolled in a public  
17 school in the commonwealth who are not charged with a violation of subsections (a) and (b) of  
18 section 37H or with a felony under section 37H<sup>1</sup>/<sub>2</sub>.

19 SECTION 3. Said section 37H<sup>3</sup>/<sub>4</sub> of said chapter 71, as so appearing, is hereby further  
20 amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

21 (a) A student enrolled in a public prekindergarten program, kindergarten, first grade,  
22 second grade or third grade may not be suspended or expelled from school in response to  
23 discipline infractions.

24 SECTION 4. Said section 37H<sup>3</sup>/<sub>4</sub> of said chapter 71, as so appearing, is hereby further  
25 amended by striking out paragraph (a) and inserting in place thereof the following paragraph:

26 (a) A student enrolled in a public prekindergarten program, kindergarten, first grade,  
27 second grade, third grade or fourth grade may not be suspended or expelled from school in  
28 response to discipline infractions.

29 SECTION 5. Said section 37H<sup>3</sup>/<sub>4</sub> of said chapter 71, as so appearing, is hereby further  
30 amended by striking out paragraph (a) and inserting in place thereof the following paragraph:

31 (a) A student enrolled in a public prekindergarten program, kindergarten, first grade,  
32 second grade, third grade, fourth grade or fifth grade may not be suspended or expelled from  
33 school in response to discipline infractions.

34 SECTION 6. Said section 37H<sup>3</sup>/<sub>4</sub> of said chapter 71, as so appearing, is hereby further  
35 amended by adding the following subsection:

36 (g) The department shall provide guidance and support to school districts to provide  
37 school staff with best practices to respond to concerns related to student behavior including, but  
38 not limited to, alternatives to suspension and expulsion such as (i) mediation; (ii) conflict  
39 resolution; (iii) restorative justice; and (iv) collaborative problem solving.

40 SECTION 7. Section 4 shall take effect 1 year after passage of this act.

41 SECTION 8. Section 5 shall take effect 2 years after passage of this act.