

**SENATE . . . . . No. 876**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Patricia D. Jehlen***

*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 decriminalizing non-violent and verbal student misconduct.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/31/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/1/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>2/1/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/1/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/2/2017</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>2/2/2017</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/2/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/3/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/3/2017</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/3/2017</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>2/3/2017</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>2/3/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/3/2017</i>

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By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 876) of Patricia D. Jehlen, Michael J. Barrett, Denise Provost, Paul R. Heroux and other members of the General Court for legislation to decriminalize non-violent and verbal student misconduct. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 842 OF 2015-2016.]

**The Commonwealth of Massachusetts**

—————  
**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act decriminalizing non-violent and verbal student misconduct.

*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 37P of chapter 71 of the General Laws is hereby amended by  
2 striking, in subsection (b), the second paragraph and inserting in place thereof the following:-

3 In selecting a school resource officer (SRO), the chief of police shall assign candidates  
4 that the chief believes would strive to foster an optimal learning environment and educational  
5 community; provided further, that the chief of police shall give preference to candidates who  
6 have received specialized training in child and adolescent development, de-escalation and  
7 conflict resolution techniques with children and adolescents, behavioral health disorders in  
8 children and adolescents, alternatives to arrest and other juvenile justice diversion strategies and  
9 behavioral threat assessment methods. The appointment shall not be based solely on seniority.

10 The performance of school resource officers shall be reviewed annually by the superintendent

11 and the chief of police. The superintendent and the chief of police shall enter into a written  
12 memorandum of understanding (MOU) to clearly define the role and duties of the school  
13 resource officer which shall be placed on file in the office of the school superintendent and  
14 police chief. The MOU shall: (1) state that SROs may use traditional policing techniques such as  
15 arrest, citation, and court referral only when necessary to address and prevent serious, real and  
16 immediate threats to the physical safety of the school and the wider community; (2) state that  
17 SROs should not become involved in routine discipline in response to non-violent school  
18 infractions such as tardiness, loitering, use of profanity, dress code violations and disruptive or  
19 disrespectful behaviors; (3) set forth protocols for utilizing the expertise of mental health  
20 professionals in addressing the needs of students with behavioral and emotional difficulties in  
21 crisis situations and otherwise; (4) require SROs to devote a significant portion of any time that  
22 they devote to professional development activities to school-based or other training that  
23 promotes heightened awareness of the various challenges faced by students in the school to  
24 which they are assigned, with an emphasis on those that impart information regarding child  
25 development, including the incidence and impact of adverse childhood experiences, de-  
26 escalation techniques, and implicit or unconscious bias; (5) specify how the school and police  
27 departments will regularly monitor and assure that SROs are complying with the terms of the  
28 MOU and avoiding inappropriate arrest, citation, or court referral; and (6) specify the manner of  
29 and division of responsibility for collecting and reporting all school-based arrests, citations, and  
30 court referrals of students to the Department of Elementary and Secondary Education in  
31 accordance with regulations promulgated by DESE, which shall collect and publish  
32 disaggregated data in a like manner as school discipline data made available for public review.

33 SECTION 2. Chapter 272 of the General Laws is amended by striking out section 40 and  
34 inserting in place thereof the following section:-

35 Section 40. Disturbance of assemblies.

36 Whoever willfully interrupts or disturbs an assembly of people met for a lawful purpose  
37 shall be punished by imprisonment for not more than one month or by a fine of not more than  
38 fifty dollars; provided, however, that an elementary or secondary school student shall not be  
39 charged, adjudicated, or convicted for alleged violation of this provision due to conduct within  
40 school buildings or grounds or in the course of school-related events. Whoever, within one year  
41 after being twice convicted of a violation of this section, again violates the provisions of this  
42 section shall be punished by imprisonment for one month, and the sentence imposing such  
43 imprisonment shall not be suspended.

44 SECTION 3. Section 53 of Chapter 272 of the General Laws is hereby amended by  
45 striking out subsection (b) and inserting in place thereof the following subsection:-

46 (b) Disorderly persons and disturbers of the peace, for the first offense, shall be punished  
47 by a fine of not more than \$150. On a second or subsequent offense, such person shall be  
48 punished by imprisonment in a jail or house of correction for not more than 6 months, or by a  
49 fine of not more than \$200, or by both such fine and imprisonment, provided, however, that an  
50 elementary or secondary school student shall not be charged, adjudicated, or convicted for  
51 alleged violation of this provision due to conduct within school buildings or grounds or in the  
52 course of school-related events.