



JOINT COMMITTEE ON EDUCATION

Testimony of the Youth Advocacy & Policy Lab (Y-Lab)
in support of
Senate Bill 367

November 19, 2025

I. Introduction

Students Speak is an initiative of the Youth Advocacy & Policy Lab (Y-Lab) at Harvard Law School that works with secondary school students across Massachusetts to develop their leadership and advocacy skills as they build a movement for youth voice in educational decision-making. Students themselves are rarely asked about their own experiences of school, what works or does not work for them, and what schools might do differently to support their learning and growth. Too often, adults make decisions on behalf of young people based on untested assumptions about what is best for them. Students Speak works to change that by centering student voices where they have long been excluded.

Last April, at the annual Students Speak Youth Summit, more than 70 students from across Massachusetts deliberated and voted to select Senate Bill 367, An Act Relative to Student Representative Voting Rights as the focus of their advocacy efforts this school year. Since then, our youth leaders have interviewed student school committee members, conducted a national analysis of laws in other states, and held discussions with partner organizations across the Commonwealth. Their research and lived experience inform the testimony we submit today in strong support of S.367. At the same time, based on our findings, the students welcome the opportunity to serve as thought partners to the Committee in strengthening and refining the bill.

This testimony consists of three components:

- A constitutional analysis of S.367;
- Findings from our comparative research on laws in other states;
- Recommendations for refining S.367 to strengthen the bill

In addition to this document, members of the Students Speak Youth Leadership Team testified in-person at the Committee's hearing on Wednesday, November 12. We also share written versions of their testimony, which provide their firsthand perspectives on why expanding student representative voting rights is both necessary and beneficial for Massachusetts schools. Together, all these materials reflect the students' conviction that meaningful student representation strengthens school governance and leads to better outcomes for all.

II. Constitutional Analysis of S.367

As part of our advocacy for S.367, Y-Lab conducted research on the constitutionality of the bill. This analysis uncovered one potential key area where the bill as currently drafted may be susceptible to legal challenge: its process for electing student representatives. Under the bill's current structure, two voting student representatives would be added to each school committee. Crucially, these new student representatives would be elected only by students. In effect, this could offend the principle of "one person, one vote" by diluting the voting power of adult voters in school districts.

A. Overview of Legal Principles

Federal law is very demanding when it comes to analyzing elections for general public offices, like school committee members. In *Kramer v. Union Free School Dist. No. 15*,¹ the U.S. Supreme Court held that "statutes distributing the franchise" must be reviewed with "exacting judicial scrutiny."² This means courts will be very skeptical of laws that restrict the right of certain otherwise qualified groups or individuals to vote and will strike down such laws unless they are narrowly tailored to accomplish a compelling governmental purpose.

Under *Avery v. Midland County*³ and *Hadley v. Junior College District*,⁴ the Equal Protection Clause requires that elected bodies exercising general governmental powers be chosen under systems that afford each qualified voter an equal opportunity to participate. This doctrine applies when officials are chosen by election and exercise authority over core functions such as policy, budgeting, and oversight. School committee members would likely be deemed officials who exercise general governmental powers and therefore it should be assumed school district elections are subject to this "one person, one vote" rule. In contrast, in *Sailors v. Board of Education*,⁵ the Supreme Court held that the "one person, one vote" rule does *not* apply to *appointed* school board members, regardless of the scope of their authority.

¹ 395 U.S. 621 (1969) (striking down a New York State law that limited voting in certain school district elections only to those residents who owned or leased taxable property in the district or who were parents of children enrolled in the district's schools).

² *Id.* at 628.

³ 390 U.S. 474 (1968) (holding that when officials are elected to perform general governmental functions over a geographic area, one-person-one-vote applies).

⁴ 397 U.S. 50, 56 (1970) ("Whenever a State ... chooses to select persons by popular election to perform governmental functions, the Equal Protection Clause requires each qualified voter be given an equal opportunity to participate.")

⁵ 387 U.S. 105 (1967).

The Massachusetts Constitution also contains strong protections for voters. Article IX⁶ of our Declaration of Rights guarantees the equal right of the people to vote, and Article X⁷ ties the legitimacy of taxation to representative government.

B. Application of the Law to S.367

As currently drafted, S.367 would add two fully empowered student voting members to each local school committee, elected solely by public secondary school students in the district. These student representatives would share authority with adult members over district budgeting, contracts, personnel, and educational policy, functions squarely within the scope of general-purpose governance. While school committees do not independently levy taxes, they do make binding decisions on how tax-derived funds are allocated and spent.

S.367 proposes direct popular election by a narrow class of voters (public secondary school students). There is no proposed adult nomination, vetting, or appointment mechanism. This structure implicates the core of *Hadley v. Junior College District*, as it grants legislative authority to public officers selected by a restricted electorate.

Therefore, the bill would likely trigger strict scrutiny analysis if it were to be challenged under the Equal Protection Clause as violating the “one person, one vote” principle. While promoting student voice may be a compelling interest, the means chosen—excluding all non-student voters from selecting fully empowered public officers—would likely fail the narrow tailoring requirement. Less restrictive alternatives exist—such as adopting an appointive model or placing limits on student voting authority—that could achieve the same interest without violating “one person, one vote”. As it stands, there is a strong likelihood that S.367 would be struck down by a reviewing court.

C. An Alternative Approach: The Maryland Model

In 1975, the Maryland General Assembly passed a law that made Anne Arundel County one of the first school districts in the country (and perhaps *the* first) to have a student school board member with full voting rights. Since that time, other Maryland districts have followed suit, creating student members with either full or partial voting rights. Now, almost all Maryland counties have student board members.

Recently, the school board statute applicable in one of these counties—Howard County—was challenged in both state and federal court—and it was upheld. Under the relevant statute⁸, Howard County's school board is composed of 8 members: 7 adult members chosen through

⁶ Mass. Const. pt. 1, art. IX (“every subject... has an equal right to elect officers”).

⁷ Mass. Const. pt. 1, art. X (“no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people”).

⁸ Md. Code Ann., Educ. § 3-701 (LexisNexis 2023).

general elections and 1 student member selected through a special process. The student member must be a high school junior or senior and is chosen by all students in grades 6 through 11 in the county. For the most part, the student member has the same rights as adult members, including voting rights, though the statute carves out several specific matters on which the student member is not permitted to vote.

In *Kim v. Board of Education of Howard County*, the Fourth Circuit Court of Appeals described the process by which the student member is chosen:

Students interested in becoming the student member must apply. The application is developed by the Howard County Association of Student Councils (“HCASC”), a body composed of student government representatives from HCPSS schools and advised by an HCPSS employee. That employee, the HCASC Advisor, reviews submitted applications for completeness and accuracy.

The field of applicants is then narrowed. Each Howard County public middle or high school convenes a committee—made up of the school principal, a student-government advisor or counselor and three students selected by the principal—to select a handful of students to serve as the school's delegates at a county-wide convention at which two finalists, plus alternates, are chosen. The delegates are trained by an HCASC advisor.

Then the two finalists proceed to what is labeled an “election.” They submit campaign materials—regulated by HCASC guidelines—to school employees, who make them available to students. Afterwards, “student[s] in grades 6 through 11 enrolled in a Howard County public school ... vote directly for one of the two student member candidates.” Md. Code, Educ. § 3-701(f)(3)(iii). After the votes are tallied, the county superintendent certifies the winner if the winner “was elected in accordance with all policies and procedures.” With the superintendent's certification, the student-member elect may take office “subject to confirmation of the election results by the county board.” Md. Code, Educ. § 3-701(f)(2).⁹

According to the court, this selection process is not an “election” in the constitutional sense even though students do get to vote on the two finalists. Because of the involvement of adults in the various stages of the selection process and the final approval of the superintendent, the student member occupies what is essentially an “appointive” position that is not subject to the “one person, one vote” rule.¹⁰ As a result, the Howard County statute was deemed to be fully constitutional. Redrafting S.367 to make it more like the Maryland Model could help ensure that if it is enacted it will withstand constitutional scrutiny.

⁹ 93 F.4th 733, 738-9 (4th Cir. 2024).

¹⁰ The Court of Appeals of Maryland also upheld the Howard County statute under the state constitution. *Speigel v. Board of Education of Howard County*, 480 Md. 631 (2022).

III. Analysis of Provisions in Other States

In addition to the constitutional analysis outlined above, our Students Speak youth leaders have conducted research about student representation on school committees—including reading relevant statutes and interviewing multiple individuals—in six states: California, Washington, Oregon, Maryland, Minnesota, and, of course, Massachusetts. We believe statutes in these jurisdictions contain provisions that Massachusetts legislators could add to S.367 to increase opportunities for student voice, while also promoting school committee efficacy and prioritizing student safety.

One of the ways to improve S.367 is mandating training to support student members. As the bill stands, it does not contain any such provisions. Training is essential for student members' success by ensuring that they have access to the information necessary for their full participation in matters that come before the school committee. Upon reviewing various Maryland statutes and speaking to past and current student board members there, we found it to be a leading state in providing training for student representatives. The Baltimore County school board statute specifically mandates budget training so that the student member is prepared to understand and vote on budgetary matters. According to a student board member we spoke with, another county currently provides an orientation day with presentations from several district leaders and other board members, as well as budget and media training, which the student member found to be foundational to supporting her in her role.

Another important way in which other states can serve as a model for Massachusetts is in providing student board members with structured support systems, such as a student advisory council, to help ensure they are highlighting diverse voices and concerns throughout the district. While current Massachusetts law contains a provision about student advisory boards, it could be further elaborated. California provides one guiding example. Throughout different regions of California, student board members we spoke with described having input from advisory councils made up of student government cabinet members at both the high school and middle school levels. Representatives from the different schools come together with the student board member and share concerns, so that the student member can bring that information to the full board. Another example is in Oregon where Educational Equity Committees specifically prioritize hearing from the most marginalized and underserved student populations in the district. These committees recruit diverse members to create a well-represented group of educational professionals, community members, and students. Together, they collaborate on projects, advising the superintendent on all matters related to diversity and equity. Finally, in Maryland, student committee members described holding town halls as spaces where their fellow students can express their opinions. They also described having “seminars” co-led by the student member and district professionals as a way of engaging their fellow students. These monthly seminars address “hot-button” topics and give students a space to learn more and ask questions. In sum,

the states we researched provide numerous ways to support student board members by creating structures that solicit input, ideas, and guidance from their peers.

In addition to robust student advisory councils, adult advisors are a vital part of the support system needed for student committee members to support student members to participate meaningfully in an adult-oriented process and ensure their safety. For example, California student board members specifically highlighted their adult outreach coordinator as necessary to help them navigate the public nature of their role in a time of increasing polarization in public education. They noted that having an adult district member to assist them in difficult situations has been pivotal to their experience. In addition, student board members have the opportunity to meet with a mental health counselor once a month as an important source of support. Their districts also provide additional protections, including ensuring that security personnel walk members to their cars after meetings, adopting added safety measures in the board room when the student member is present, and providing “next day” check-ins with an adult member of the board. A district adult also helps monitor the student board member’s official social media accounts, and an adult advisor accompanies them on any visits to school sites. In Maryland, student board members have access to a team of individuals to support them in their role. This includes people to help arrange meetings, go over documents, write emails and speeches, and guide the student board member through more difficult scenarios.

IV. Conclusion and Recommendations

To summarize, based on our findings, we are highly supportive of S.367 and also recommend that the bill be redrafted to incorporate the following improvements:

- 1. Election Process:** To help the law withstand constitutional scrutiny, amend the election process for student representatives to include a multi-stage process, where adults play a supportive and guiding role, and students ultimately cast their votes for candidates identified through a nominating process.
- 2. Training and Support:** Require that student members have adequate training before assuming the position and provide technical assistance to districts on how they can accomplish this.
- 3. Student Advisory Councils:** Establish councils that work closely with the student committee member, acting as the bridge between the student bodies and adult committee members. Ensure they provide appropriate outlets for a wide cross section of the student body to articulate their needs and identify priority issues.
- 4. Adult Advisor or Outreach Coordinator:** Assign the student representative a direct adult advisor to provide support and coaching.

Redrafting S.367 to include these provisions will help ensure that the enacted law is constitutional and that every student committee member is able to engage in their role with a strong foundation. We welcome the opportunity to collaborate with the Committee as a thought partner to assist with redrafting the bill. Thank you very much for your attention and support.