

An Act Relative to Student Access to Educational Services and Exclusion from School – Chapter 222

Effective July 1, 2014

Student Discipline Regulations

37H: Suspension of a student for disciplinary offense related to a) possession of a dangerous weapon, b) possession of controlled substance, and c) assault on a member of the educational staff

37H ½: Suspension of a student who has been charged with felony or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony. Principals may suspend a student with such charges if the student’s continued presence in school would have a substantial detrimental effect on the general welfare of the school.

37H ¾: Suspension of a student for any disciplinary infraction other than those specified under 37H and 37H ½.

The new student discipline law has the express purpose to:

Limit the use of long-term suspension as a consequence for student misconduct until other consequences have been considered and tried as appropriate.

Promote engagement of a student’s parent/guardian in discussion of the student’s misconduct and options for responding to it.

Assure that every student who is expelled or suspended, regardless of the reason for suspension or expulsion, has the opportunity to receive education services to make academic progress during the period of suspension or expulsion.

Keep schools safe and supportive for all students while ensuring fair and effective disciplinary practices.

District Challenges and Concerns:

37 H: No 37H ½: No 37H ¾: Yes

**37H ¾ Salient Points
Immediate Revision**

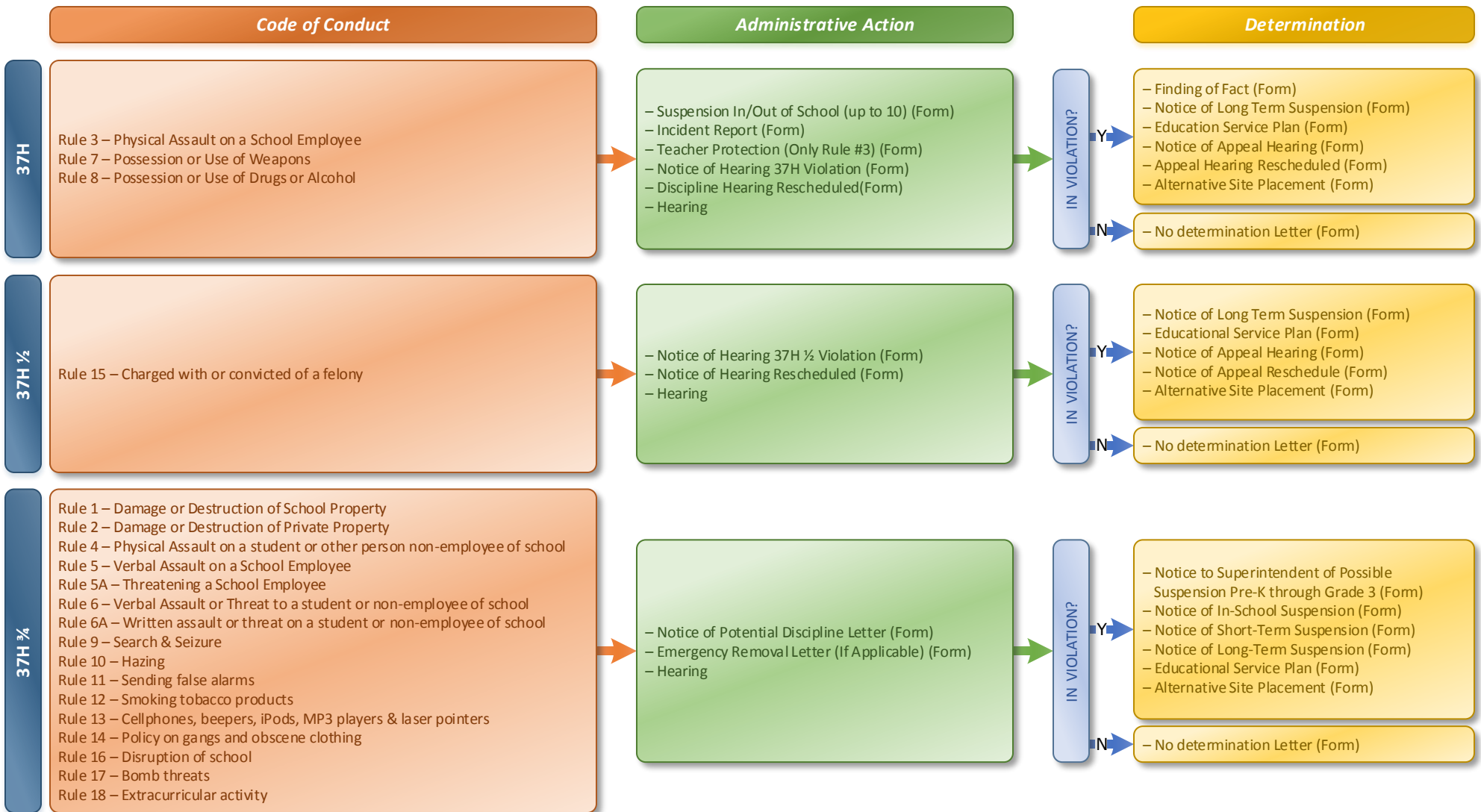
Challenges and Areas in Need of

<p>In-School Suspensions: 10 cumulative/consecutive days per year</p>	<p>Limited amount of days a student can be placed on in-house suspension per year. In-house suspensions allow schools to address students’ inappropriate behaviors while maintaining them in school with full access to the curriculum.</p>
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<p>Out-of-School Suspensions: *Short-Term: Up to 10 cumulative or consecutive days *Long-Term: 10 or more consecutive days, up to 90 days with no carry-over to the next academic year</p>	<p>Excluding weapons, drugs, staff assaults, and felony charges, all other student infractions fall under the 37H ³/₄ regulations. Student on student assault is of particular concern to the district. There is a distinct difference between a physical fight when students push and shove each other and when students are severely injured as a result of a physical fight. To assist principals in maintaining a safe and secure school environment, student on student assaults should be considered under 37H regulations.</p> <p>Long-term suspensions should carry over to the next academic year. If a student brutally assaults another student in mid-May, he/she would typically receive a 90-day suspension. Under 37H ³/₄ this student would only be suspended through the end of the academic year and would return to school at the start of the new academic year. Consideration must be given to the victim of these brutal assaults. Again, student on student assault should be included under 37H regulations, allowing principals to use discretion on the length of suspension in such cases.</p>
<p>Emergency Removal: Not to exceed 2 school days</p>	<p>A two-day emergency removal is inadequate. Principals should have the prerogative to remove a student, in emergency circumstances, up to 5 consecutive days. The investigation process associated with some student infractions requires additional time and resources.</p>
<p>Out-of-School Suspension Pre-K through grade 3: *Prior notice and approval by the Superintendent</p>	<p>No revisions</p>

<p>Due Process: *Notice of Potential Discipline *Reasonable efforts to contact parents/guardians (2+ times documented) *Hearing: -same day or within 2 days (emergency removal) *Notice of Suspension</p>	<p>The timeline of events associated with a due process hearing is a challenge. Assistant Principals and support personnel spend a substantial amount of time following the due process timeline, which consumes a great part of their day for each student. As a result, Assistant Principals are taken away from their duties as instructional leaders and classroom support. There should be some flexibility in the due process timeline, from the student infraction to the hearing session. Under 37H $\frac{3}{4}$ school administration must arrange for a parent/student due process hearing on the same day of infraction or within 48 hours if student emergency removal is applied.</p>
<p>Right to Appeal: *Appeal within 5 calendar days *Superintendent hears appeal within 3 days</p>	<p>There should be a wider window of time for the Superintendent to hold an appeal hearing. Three calendar-day period does not afford both, parents/guardians and superintendent, with sufficient opportunities for scheduling considering a superintendent's daily schedule.</p>
<p>All notices translated in multiple languages</p>	<p>No Revisions</p>
<p>Drop-out prevention notices: *written notice to parents every 5 absences</p>	<p>No Revisions</p>
<p>Education Service Plan</p>	<p>No Revisions</p>

WORCESTER PUBLIC SCHOOLS' DISCIPLINE PROCEDURE FORM GUIDANCE



PLEASE TAKE NOTE

- Short Term Suspension is the removal of a student for 10 or less consecutive school days
- Long Term Suspension is the removal of a student for 11 or more consecutive school days, OR for 11 or more cumulative school days for all disciplinary offenses in a school year
- Students cannot be suspended for more than 90 school days in a school year nor can the suspensions extend beyond the last day of school
 - Exception: Students charged with a discipline offense set forth in M.G.L.c. 71 § 37H or 37H ½
- Emergency Removal may not exceed 2 school days
 - If a student is found in violation, Emergency Removal days are included in the total number of suspension days
 - If a student is found not in violation, Emergency Removal days will remain as excused absences
- Students with either IEP/504 cannot be suspended more than 10 cumulative days without a Manifestation Determination Meeting (MDM)
 - If the student’s disciplinary offense was due to the manifestation of his/her disability, then suspension days for the offense are converted to Excused absences
 - Suspension days that are converted to Excused absences are included in the cumulative days for the MDM