

Implementation of the New Student Discipline Policy

Report of the Superintendent

April 30, 2015

Foundations of Student Discipline

* State Law:

- * MGL c. 71, § 37 H addresses possession of drugs, weapons, and assault of staff.
- * MGL c. 71, § 37 H $\frac{1}{2}$ permits discipline based on felony charges that have a substantial detrimental effect on the school community.
- * MGL c. 71, § 37 H $\frac{3}{4}$ applies to all suspensions except for students who are being disciplined under § 37 H or 37 H $\frac{1}{2}$.

An Act Relative to Student Access to Educational Services and Exclusion from School – Chapter 222 – Effective July 1, 2014

* 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.
- * To promote engagement of a student's parent/guardian in discussion of the student's misconduct and options for responding to it.
- * To 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 exclusion.
- * To keep schools safe and supportive for all students while ensuring fair and effective disciplinary practices.

New Requirements

- * The school district must continue to provide educational services to the student during the disciplinary period.
- * The school must ensure that students who are suspended from school have an opportunity to make academic progress during the period of suspension.
- * The school district must develop an education service plan for all students who are suspended from school for more than 10 consecutive school days.

New Requirements

- * Out-Of-School Notice to Parent/Guardian:
 - * The disciplinary offense
 - * The basis for the charge
 - * The potential consequences and length
 - * The opportunity for hearing (student and parent/guardian)
 - * The date, time, and location of the hearing
 - * Interpreter (when applicable)

School Suspensions

- * In-House Suspensions
 - * A student may be removed from regular classroom activities, but not from the school premises, for up to 10 consecutive or cumulative days during the school year.
- * Short-Term Suspensions
 - * A student may be suspended from school for up to 10 consecutive or cumulative days during the school year.
- * Long-Term Suspensions
 - * A student may be suspended from school for 10 or more consecutive days, up to 90 days, during the school year.
- * Emergency Removal
 - * A student may be removed from school for a maximum of 2 days, pending a hearing, if the continued presence of the student poses a danger to persons, property, or substantially disrupts the order of the school.

§ 37 H $\frac{3}{4}$ Procedural Requirements

- * Due process hearing: on the day of infraction or within the 2-day Emergency Removal period.
- * Pre-School to grade 3 students: out-of-school suspensions must be approved by the Superintendent or designee.
- * Right of Appeal: applies to any exclusion for more than 10 days.
- * Superintendent hears appeals within 3 school days.

Data Collection and Reporting Requirements

- * For each student excluded for more than 10 consecutive days, the district shall document the student's enrollment in education services, track and report attendance and academic progress.
- * The district must collect and report data to the DESE regarding in-school suspensions, short and long-term suspensions, expulsions, emergency removals, and access to education services.
- * Schools and districts, identified by the DESE to have significant disparities in the rate of suspension and expulsion by race and ethnicity, or disability, shall develop and implement plan approved by the DESE to address such significant disparities.

Challenges and Areas in Need of Revision

Out-of-School Suspensions:

- * **Short-Term:** Up to 10 cumulative or consecutive days
Excluding weapons, drugs, staff assaults, and felony charges, all other student infractions fall under the 37H $\frac{3}{4}$ 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.

- * **Long-Term:** 10 or more consecutive days, up to 90 days with no carry-over to the next academic year

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 $\frac{3}{4}$ 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.

Challenges and Areas in Need of Revision

Emergency Removal: Not to exceed 2 school days

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.

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

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 ¾ 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.

Challenges and Areas in Need of Revision

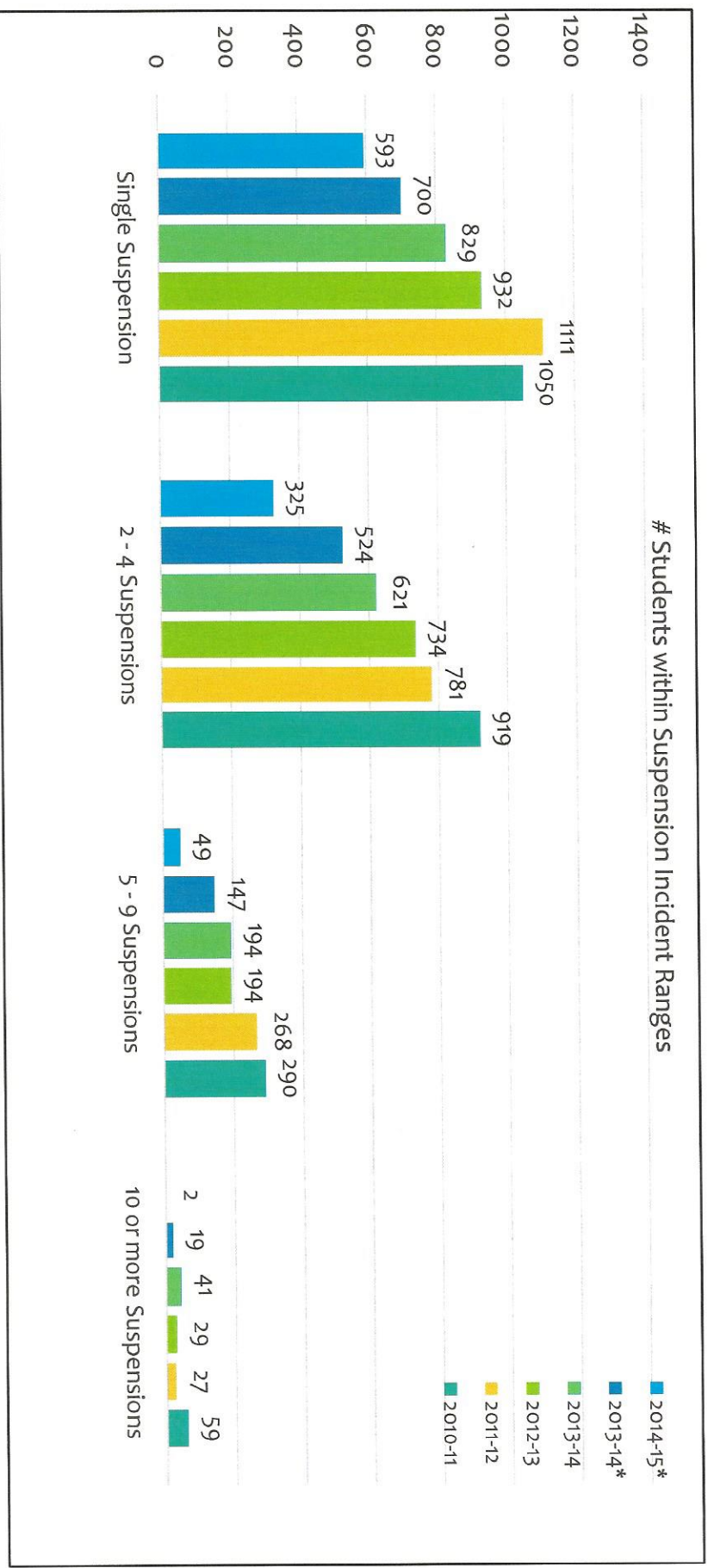
In-School Suspensions: 10 cumulative/consecutive days per year

- * 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.

Right to Appeal: *Appeal within 5 calendar days, *Superintendent hears appeal within 3 days

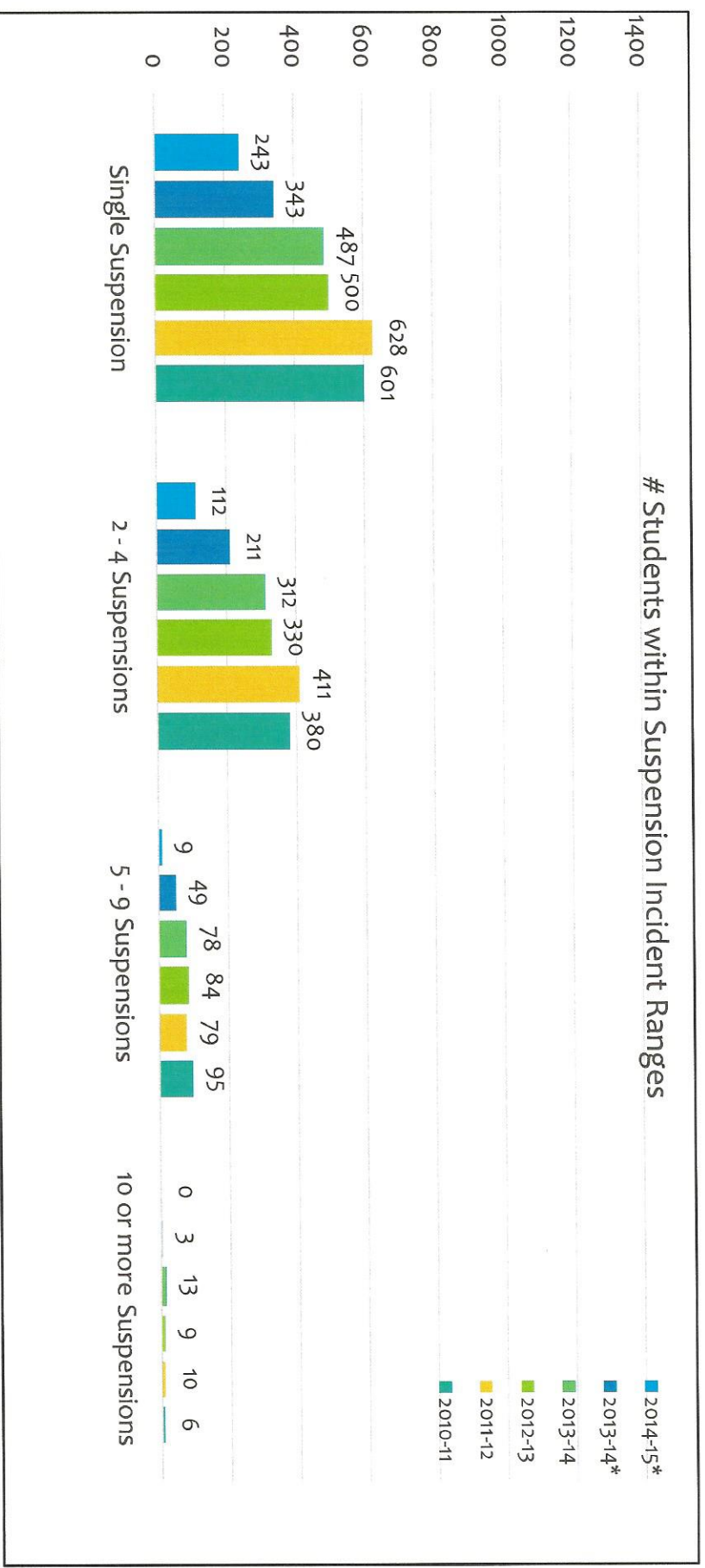
- * There should be a wider window of time for the Superintendent to hold an appeal hearing. Three calendar-day period does not afford both, parents/guardians and superintendent, with sufficient opportunities for scheduling considering a superintendent's daily schedule.

District Suspensions



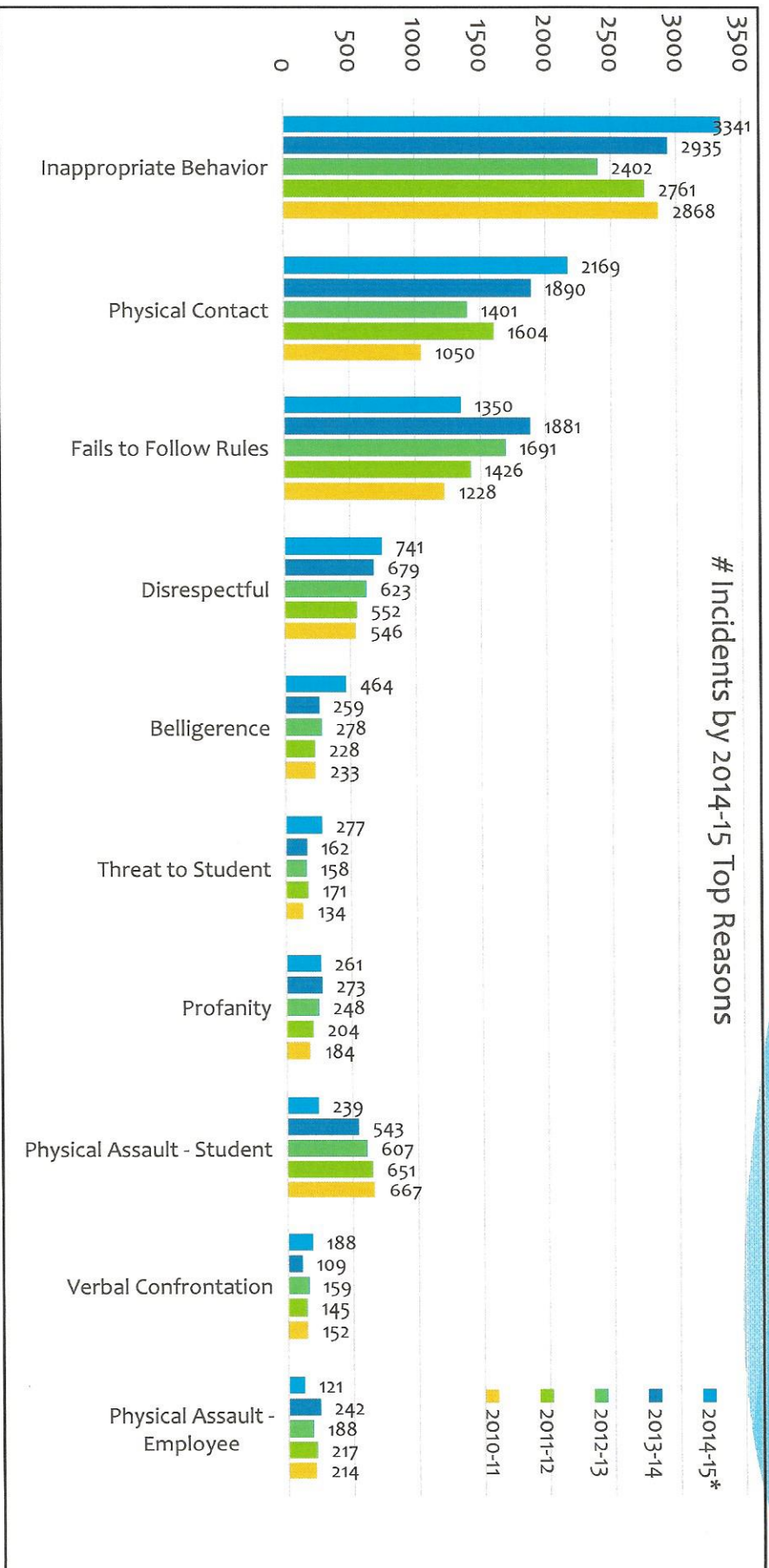
District Suspensions

Secondary Level



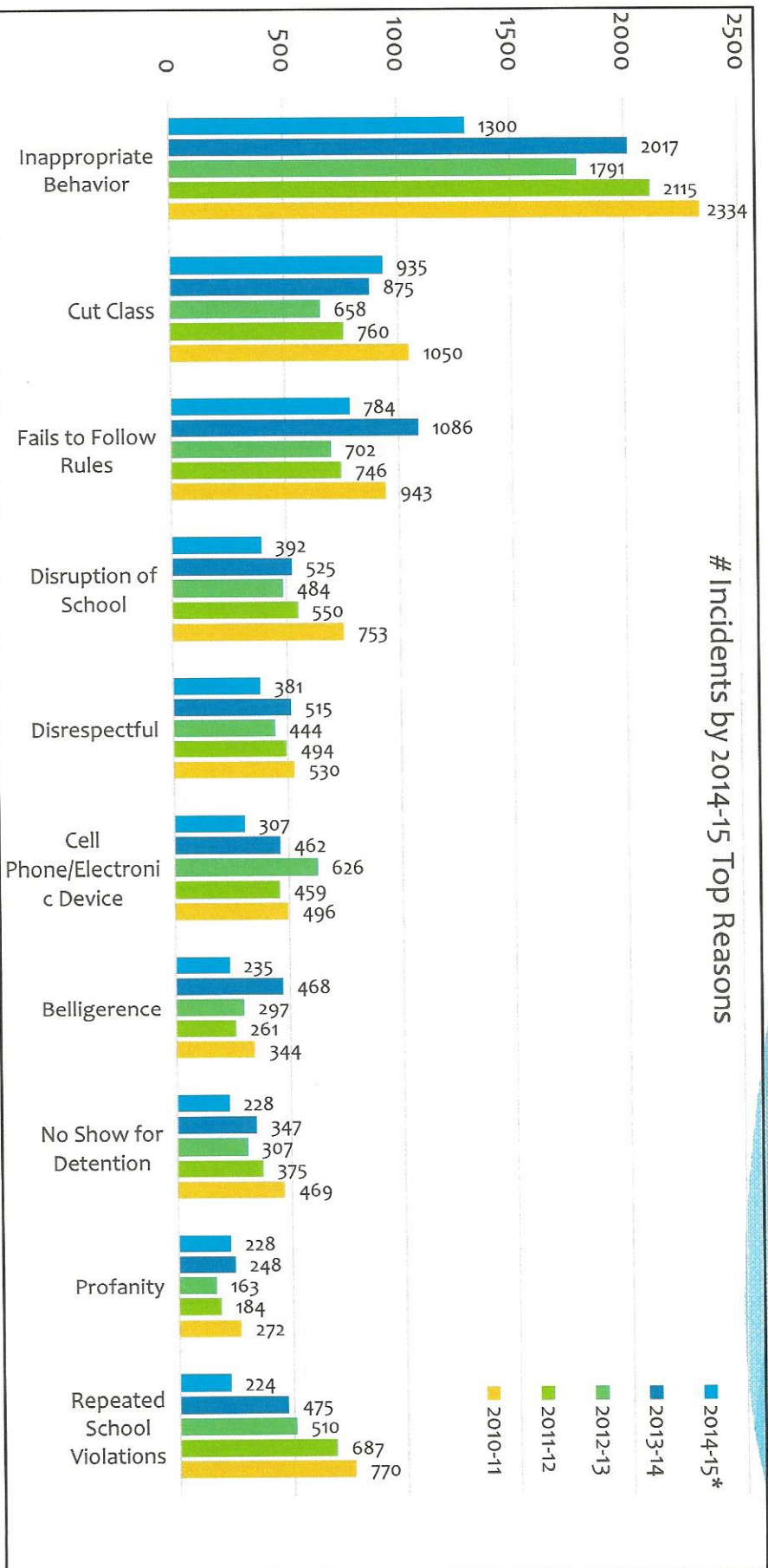
Top Infraction Reasons

Historical Trends for Elementary Schools



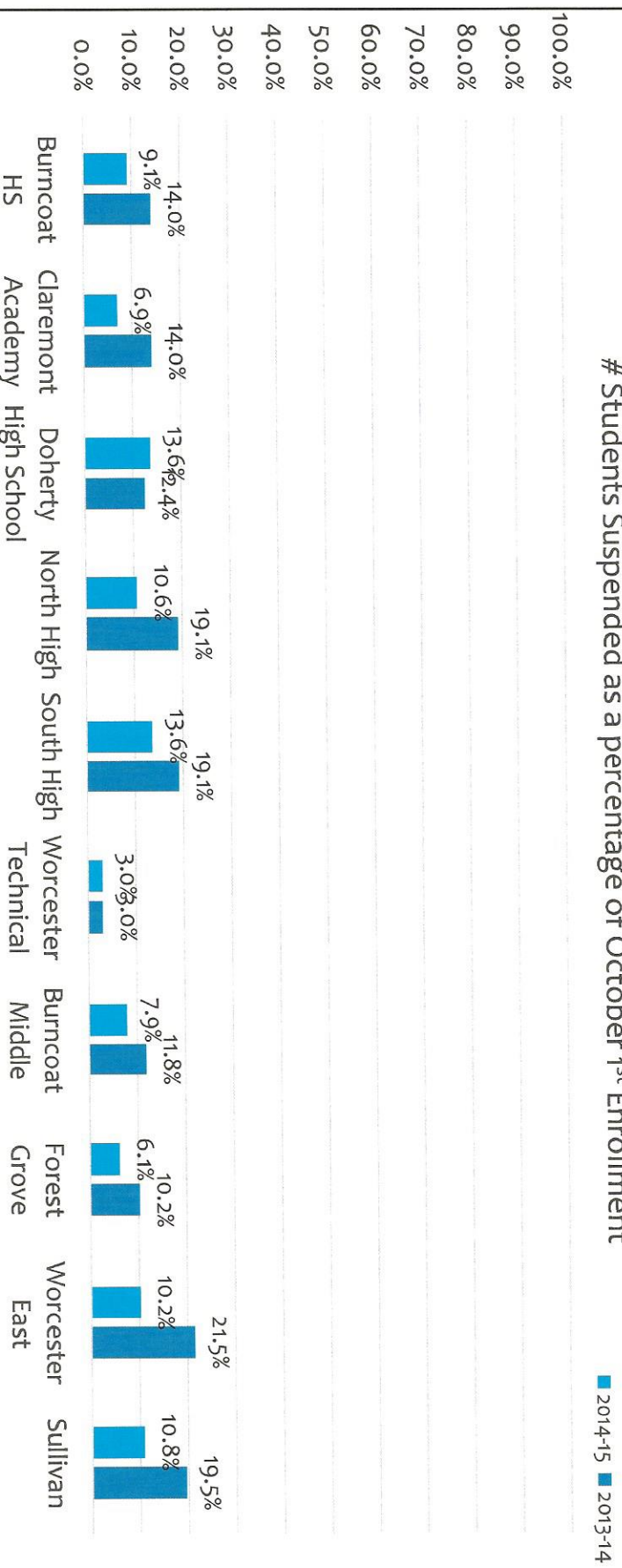
Top Infraction Reasons

Historical Trends for Secondary Schools



Secondary School Suspension Rates

Students Suspended as a percentage of October 1st Enrollment



WPS - Code of Conduct

Rule	Description	Type
3	Physical Assault - Employee	37H
7	Possession of Weapons	37H
8	Possession of Drugs/Alcohol	37H
15	Charged/Convicted of Felony	37H½
1	Damage/Theft School Property	37H¾
2	Damage/Theft Private Property	37H¾
4	Physical Assault - Student	37H¾
5	Verbal Assault of an Employee	37H¾
5A	Threatening a School Employee	37H¾
6	Verbal Assault of a Student	37H¾
6A	Written Assault/Threat Student	37H¾
9	Search and Seizure	37H¾
10	Hazing	37H¾
11	False Alarms	37H¾
12	Smoking Tobacco	37H¾
13	Cell Phone/Beeper	37H¾
14	Gangs/Obscene Clothing	37H¾
16	Disruption of School	37H¾
17	Bomb Threats	37H¾
18	Extra Curricular Activity	37H¾

WORCESTER PUBLIC SCHOOLS

LONG - TERM SUSPENSIONS

		2014					2015					
Chapter 71, Section 37H												
Type of Incident	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
Possession or Use of Weapons	1	3	12	6	4	4	1	4				
Possession or Use of Drugs	0	1	6	6	10	3	4	8				
Physical Assault on a School Employee	0	2	12	8	5	8	0	10				
Chapter 71, Section 37H 1/2												
Type of Incident	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
Students Charged/Convicted of a Felony	1	3	4	4	1	1		1				
Chapter 71, Section 37H 3/4												
Type of Incident	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
Physical Assault on a Student		2	4	0	0	7	7	6				
Sounding False Alarms (fire setting)												
Possession or Use of Alcohol												
Written Assault or Threat on a Student		1										

The Worcester Public Schools adheres to the Student Discipline Laws and Regulations as set forth in Massachusetts General Laws Chapter 37H, Chapter 37H 1/2, Chapter 37H 3/4 and 603 CMR 53.00. Due Process hearings were scheduled for each incident recorded above.