



Worcester Public Schools

Worcester, Massachusetts



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TO: Members of the Worcester School Committee

FROM: Superintendent Melinda J. Boone, Ed.D.

DATE: August 12, 2014

SUBJECT: **New Student Discipline Regulations**

The materials attached reflect the revision of the Worcester Public Schools' policy regarding student discipline and due process. The revision is aligned with the new State regulations on student discipline effective July 1, 2014. Guidelines from the Department of Elementary and Secondary Education Counsel are forthcoming.

Attorney Paige Tobin assisted the administration in revising the new policy language and developing additional materials associated with student discipline protocols and parent notification.

In order to respond to item gb# 4-209 (request that the administration indicate the role of the School Committee as a result of the passage of the policy voted into law regarding long-term suspension hearings), we consulted with the City Solicitor, Mr. David Moore, who responded the following:

"After researching the General Laws and the new regulations, the statutes and regulations provide that the initial decision on the discipline of students rests with the school principal with an appeal to the superintendent. The School Committee no longer has a role in student discipline decisions. The statutes emphasize this point by saying that the decision of the superintendent "shall be the final decision of the school district with regard to the suspension or expulsion" G.L. c. 71 § 37H1/2 (1) and G.L. c. 71 § 37H3/4 (e). The statutes provide a fairly complicated, but uniform, procedural due process protections, which conclude by making the superintendent's decision final (and thereby appealable to court).

In addition to the inclusion of new language to the Code of Conduct and Due Process sections of the policy handbook, the administration recommends the following changes:

1. Eliminate Rule 9 – Excessive Tardiness: A student shall not be repeatedly tardy from school or to class without legitimate cause.

Rationale: Under Pupil Notification Law: MGL c. 76, § 1B, the student attendance law requires that the establishment of a pupil absence notification. In addition to notifying parents/guardians of unexcused absences, the law requires schools to notify parents/guardians of a student who has at least 5 days in which the student has missed 2 or more periods unexcused during the school year. Schools must develop action steps with parents, students, and input from state agencies.

2. Eliminate Rule 10 – Repeated School Violations: A student shall not repeatedly fail to comply with directions and reasonable requests of any authorized school personnel during any period of time he/she is under such authority.

Rationale: The new language under Code of Conduct states that “the administrator will exercise discretion in determining disciplinary consequences. The administrator may utilize his/her discretion to significantly increase penalties in the case of second or third offences or for other factors. In determining the severity of the penalty or suspension, the appropriate administrator may consider all relevant facts, including but not limited to: 1) previous disciplinary record, 2) severity of disruption to the educational process, 3) degree of danger to self and/or others, 4) the degree to which the student is willing to change his/her inappropriate behavior and 5) whether alternative consequences are appropriate to re-engage the student learning.”

3. Eliminate Section (b) of Rule 19 – Bomb Threats: (b) Before readmission to the Worcester Public Schools of any student suspended or expelled for violation of this rule, such student shall perform ten (10) days of supervised community service, which has been approved by the School Administration, for each day which school has been disrupted by such threat. Such community service shall be performed at a time when the Worcester Public Schools is not scheduled to be in session (e.g., summer vacation, February or April vacations, etc.)

Rationale: Principals may use community service as an alternative to suspension when addressing student discipline and it should not be limited to Rule 19.

In preparation to the start of the school year, the following professional development training has been scheduled:

- All Principals – August 13th
- All Assistant Principals – August 25th

Principals will address the new student discipline regulation with their staff on August 25th or August 26th.

Additional professional development for Assistant Principals will be scheduled in September, and as needed during the school year.

Attachments:

1. Code of Conduct
2. Legal Policies
3. Initial Notice of Potential Discipline Letter
4. Notice of In-School Suspension
5. Notice of Short-term Suspension
6. Notice of Long-term Suspension
7. Emergency Removal Letter
8. Notice to Superintendent of Possible Suspension – Pre-K to Grade 3
9. Copy of New Student Regulations