

Summary of Proposed Student Discipline Regulations: 603 CMR 53.00
April 29, 2014

- Purpose includes: limiting use of long-term suspension as a consequence for misconduct until other consequences have been considered and tried; promoting engagement of a student' parent in discussion of consequences for student misconduct; assuring that every student who is suspended or expelled for any reason has an opportunity to receive education services to make academic progress; and keeping schools safe and supportive for all students while ensuring fair and effective disciplinary practices.
- Define in-school, short-term, and long-term suspension as well as expulsion. Long-term suspension may not exceed 90 days and may not carry over to the following school year. Expulsion is defined as more than 90 school days, and may be imposed only on disciplinary offenses named¹ in G.L. c. 71, §§37H and 37H½;
- Require school committees and boards of trustees to adopt policies and procedures that, at a minimum, comply with the regulations;
- Consistent with G.L. c. 71, 37H¾, direct principals to use discretion in deciding the consequences for a disciplinary offense determined under section 37H¾, and to consider consequences other than removal from school;
- Identify the minimum oral and written notices to the student and parent required for short-term and long-term suspensions, including an opportunity for a hearing with the principal *before* the student may be suspended under section 37H¾;
- Set forth the disciplinary meeting/hearing purposes and other hearing requirements when a student facing possible short-term or long-term suspension requests a disciplinary hearing under section 37H ¾ ;
- Address the student's right to appeal a principal's decision to suspend a student long-term to the superintendent under section 37H¾;
- Permit emergency removal of the student from the school after making immediate and reasonable efforts to orally notify the student and parent, and

¹ The offenses are: 1) possession of a dangerous weapon or a controlled substance, or assault on a member of the educational staff, on school premises or at school-sponsored or school-related events; 2) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. All other offenses are determined under G.L. c. 71, 37H¾.

providing written notice and a hearing, and a decision on the offense within two (2) school days following the removal. A principal may remove a student from school on an emergency basis only if the student has committed a disciplinary offense under section 37H¾, the continued presence of the student poses a danger to persons or property, and, in the principal's judgment, there is no alternative available to alleviate the danger;

- Identify the minimum oral and written notice and meeting/hearing requirements for in-school suspension under section 37H¾, and, unlike short- and long-term (i.e. out-of-school) suspensions, allow for in-school suspension to occur following oral notice of the offense to, and a meeting with, the student. On the same day as the suspension, the principal must make reasonable efforts to contact the parent to discuss the offense and the in-school suspension, and invite the parent to meet to discuss the misconduct and the student's academic performance, behaviors, and possible responses. The proposed regulations also provide for written notice to the parent;
- Provide that a principal may remove a student from extracurricular activities and school-sponsored events based on the student's misconduct and that the removal is not subject to section 37H¾ discipline procedures set forth in 603 CMR 53. The removal is not a suspension for the purpose of counting the number of school days that a student is suspended;
- Set out the opportunity for a student who is placed in in-school suspension or suspended for a short-term, to make up assignment, tests, and other work necessary to make academic progress during the removal from class or school;
- Require the principal to prepare a school-wide education service plan that will identify the education services available to students who have been placed on long-term suspension or expelled from the school;
- State that a student who is suspended long-term or expelled from school has an opportunity to receive education services during the period of removal so as to make academic progress during the period of removal. The services must be "based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students under G.L. c. 69, §§1D and 1F."
- Require notice to the parent and student of the student's opportunity to receive education services at the time that the student is removed from the classroom for in-school or short-term suspension, or otherwise suspended or expelled;
- Require school districts to verify and document a student's enrollment in

education services when the student has been placed on long-term suspension or expelled; further require reporting of data regarding the student's progress, attendance, and other data as directed by the Department;

- Require school districts, charter schools, and virtual schools to collect and annually report discipline data, including emergency removals, and education services data; further require these districts and schools to periodically review such data to determine the extent of suspensions and expulsions, including emergency removals, and the impact on selected student populations; direct such districts and schools to modify disciplinary practices, based on the review, as necessary or appropriate.
- Set forth the Department's annual fall publication of an analysis and report of student discipline data disaggregated by district and school and selected student populations;
- Set forth the Department's annual determination of schools with the highest percentage of students expelled or placed on long-term suspension and identification of schools that need to reduce over-reliance on long-term suspension and expulsion; state the Department's commitment to assist identified schools by identifying models that schools may use to incorporate intermediate steps before resorting to long-term suspension and expulsion; and,
- State that the Commissioner will identify schools and districts with discipline data that reflect significant disparities in the rate of suspension and expulsion by race and ethnicity, or disability; require identified schools and districts to develop and implement a plan approved by the Department to address such significant disparities.