# Summary of Public Comment on Proposed Technical Amendment to Student Discipline Regulations, 603 CMR 53.05

**Source**: Correspondence received via email (8) and public comment at meeting of Board of Elementary and Secondary Education, June 27, 2023 (1)

**Individuals who Submitted Public Comment**:

* Courtney Chelo, Children’s Mental Health Campaign
* Matthew Cregor, Mental Health Legal Advisors Committee
* Iman Hassan, Massachusetts Advocates for Children
* Lisa Lapinski, Lapinski Education Law, LLC
* Marlies Spanjaard, The EdLaw Project
* Leon Smith and Erin Stewart, Citizens for Juvenile Justice
* Christine M. Tetreault, The Law Office of Christine M. Tetreault
* Stephen Ultrino, Massachusetts State Representative

**Summary of Comments Received**:

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| Topic: General Support | Department’s Response |
| All commenters generally expressed support for the proposed changes. Several commenters expressed support for the comments provided by other advocacy groups including Massachusetts Advocates for Children and the EdLaw Project. | All public comments supported the technical amendments; no comments opposed the changes. |
| Topic: Documentation | Department’s Response |
| Several commenters proposed adding the terms “and documented” and “documentable” to better align the regulation with the statute and to underscore the importance of new requirements concerning documentation.  Two commenters recommended that the regulation contain more specificity about the requirements for documentation and support to guide districts’ determinations as to what constitutes a “specific, documentable concern,” “unsuitable or counter-productive” reason, and “other serious harm.” | The Department has added the terms “and documented” and “documentable.”  The Department’s existing guidance document provides information with respect to documentation. The Department will consider issuing additional guidance on expectations with respect to documentation, as needed. |
| Topic: Alternative Remedies | Department’s Response |
| Two commenters proposed that the regulation specify that districts must use alternative remedies “following and in direct response to a specific incident or incidents.”  Two commenters proposed that the regulation make clear that the alternative remedies listed in the regulation are a non-exhaustive list. | The first proposal recapitulates what is already in the statute and addresses an issue beyond the scope of the proposed technical amendment.  The Department has clarified that alternative remedies “include but are not limited to” those listed in the regulation. |

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| Topic: Language from Statute | Department’s Response |
| Several commentors recommended inserting specific statutory language into the regulation.  For example, commenters recommended adding direct statutory language regarding:   * School- or district-wide models to re-engage students * Expulsion   Commenters also recommended including definitions of certain terms and that the Department offer further guidance to districts. | The proposed edit recapitulates what is already in the statute and addresses an issue beyond the scope of the proposed technical amendment.  The Department will consider issuing additional guidance, as needed. |