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## Student Discipline

### Alternative remedies for disciplinary consequences

**The Wayland Public Schools adheres to the provisions of Massachusetts General Laws Chapter 71, sections 37H, 37H ½ and 37H ¾(b) as amended, M.G.L.c. 76, section 21 as well as 603 CMR 53.00 et seq.**

Prior to issuing any disciplinary consequences pursuant to G.L. c. 71, § 37H ¾ and not subject to G.L. c. 71, §§ 37H and 37H ½, as discussed below, the Principal or designee will consider alternative remedies to such consequences. This policy applies only to short-term or long-term suspensions, emergency removals or in-school suspensions, or expulsions that are not issued under G.L. c. 71, §§ 37H and 37H ½. This policy does not apply to disciplinary consequences issued under G.L. c. 71, §§ 37H and 37H ½, which include: assault of educational staff, possession of controlled substances or a dangerous weapon on school grounds, and felony charges or conviction.

The Principal or designee will consider methods to re-engage the student in the learning process when deciding disciplinary consequences for the student. Specifically, the Principal or designee will consider and use alternative remedies including but not limited to mediation, conflict resolution, restorative justice, and collaborative problem solving. The use and results of such alternative remedies will be documented in writing. The Principal or designee will consider, use to the extent possible, and document in writing such alternative remedies before the Principal or designee may suspend or expel a student. The Principal will also implement school or district models to re-engage students in the learning process, including positive behavioral intervention and support models and trauma sensitive learning models. The Principal or designee will not implement such models in direct response to a specific incident.

The Principal or designee will document specific reasons where alternative remedies are unsuitable or counter-productive. The Principal or designee will document specific reasons in situations where the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm on another while in school, the Principal or designee will document specific reasons.

### **Definitions:**

1. **Short Term, In-School Suspension** is the removal of a student from regular classroom activities for ten (10) consecutive or cumulative school days or less in one school year. Please note that removal from participation in extracurricular activities does not count as a removal from school in calculating the duration of a suspension.
2. **Short Term, Out of School Suspension** is the removal of a student from the school premises and regular classroom activities for ten (10) consecutive or cumulative school days or less in one school year. Please note that removal from participation in extracurricular activities does not count as a removal from school in calculating the duration of a suspension.

3. **Long Term Suspension** is defined as the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days in one school year, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year. A long term suspension can occur after ten (10) or more cumulative or consecutive school days of in-school suspension, as well as out-of-school suspension. A long term suspension may be served in school. Except for M.G.L. c. 71, sects. 37H and 37H1/2 offenses, a long term suspension may not be imposed for more than ninety (90) school days in a school year and does not extend from school year to school year.
4. **Emergency Removal** is a brief removal of a student from the school premises and regular classroom activities for no more than two (2) school days following the date of the emergency removal when the continued presence of the student poses a danger to persons or property.
5. **School Wide Education Service**- is a document created by the Principal that “includes a list of educational services available for students who are expelled or suspended from school for more than ten (10) consecutive days. This list will include events and activities which represent the student’s opportunity to continue to receive educational services and make progress while suspended or expelled.
6. **Principal** refers to the Principal or their designee. **Superintendent of Schools** refers to the Wayland Public Schools Superintendent of Schools or their designee.

### **PROCEDURES FOR A SHORT TERM IN-SCHOOL SUSPENSION**

A short term, in-school suspension may be used as an alternative to short-term, out-of-school suspension. An in-school suspension means the removal of a student from regular classroom activities, but not from the school premises, for no more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions in one school year.

If the Principal chooses this alternative, the Principal shall inform the student of the disciplinary offense charged and the basis for that charge; the Principal shall provide the student an opportunity to dispute the charge and explain the circumstances surrounding the charge. If an in-school suspension is issued, the Principal shall make reasonable efforts to notify the guardian orally of the disciplinary offense, the reasons for concluding that the student committed the offense, and the length of the in-school suspension. Principal must document at least two attempts to reach the parent for the purpose of orally informing the parent about the in-house suspension.

The Principal shall also invite the guardian to a meeting to discuss the student’s academic performance and behavior, strategies for student engagement, and possible responses to the behavior. This meeting shall be scheduled on the day of the suspension, if possible, or as soon as possible thereafter. The Principal shall also send written notice to the student and guardian about the in-school suspension, including the reason and length of the in-school suspension, and inviting the guardian to the above described meeting, if such meeting has not already occurred.

The Principal will send written notice to the student and the parent/guardian about the in-school suspension, inviting the parent to a meeting if such meeting has not occurred and must be delivered on the day of the suspension.

## **PROCEDURES FOR SHORT-TERM, OUT-OF- SCHOOL SUSPENSION**

**(exclusion of a student from school premises and regular classroom activities for a specified period of not more than ten school days.)**

The Principal, or his/her designee, may suspend students on a short-term basis. Unless a student poses a danger to persons or property, or the suspension/expulsion is pursuant to M.G.L. c. 71, sect. 37H or 37H 1/2, the student will receive the following prior to a short-term suspension:

1. Oral and written notice of the charges in English and the primary language of the home if other than English. This notice shall include:
  - a. The disciplinary offense;
  - a. The basis for the charge;
  - a. The potential consequences, including the potential length of the suspension;
  - a. The opportunity to have a hearing with the Principal and the guardian concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident;
  - a. The date, time, and location of the hearing;
  - a. The right of the guardian and student to interpreter services at the hearing; and
  - a. If the student may be placed on a long-term suspension following the hearing with the principal:
    - . The rights set forth under the "Procedures for Long-Term Suspension"; and
    - . The right to appeal the principal's decision to the superintendent.
2. At the hearing, if the student and/or guardian elects to attend, the student shall have the opportunity to present his/her version of the relevant facts and any mitigating circumstances. The Principal shall make reasonable efforts to notify the guardian orally of the opportunity to attend the hearing. To conduct the hearing without the guardian, the Principal must be able to document reasonable efforts to include the guardian. The Principal is presumed to have made reasonable efforts if the Principal sent written notice and has documented at least two (2) attempts to contact the parent/guardian in the manner specified by the guardian for emergency notification.
  - a. Based on the available information, the Principal shall make a determination as to whether the student committed the disciplinary offenses and what remedy shall be imposed. The Principal shall notice the student and guardian in writing of his/her decision, the reasons for it, and, if applicable, the type and duration of the suspension and the opportunity to make up assignments and other academic work.
  - a. If the student is in a public preschool program or in grades K through 3, the Principal shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, before the suspension takes effect.

## **PROCEDURES FOR EMERGENCY REMOVAL**

If the student's continued presence poses a danger to persons or property, or materially and substantially disrupts the order of the school and, in the principal's judgment, there is no alternative available to alleviate the danger or disruption, the Principal shall temporarily remove the student from the school. This temporary removal shall not exceed two (2) days following the day of the emergency removal and the superintendent shall be immediately notified of the removal. Additionally, the Principal shall make immediate and reasonable efforts to orally notify the student and student's guardian of the emergency removal, the reason for the emergency removal, and the other information required in a short-term suspension notification.

The short-term suspension notice shall be provided in writing to the student and guardian. The opportunity for a hearing with the Principal shall occur within two (2) school days, unless otherwise extended by the school and guardian. A decision regarding the student's continued suspension or other removal shall be rendered the same day as the hearing and written notice shall be provided the following school day. This written notice shall include all the information required based on the type of discipline imposed (short-term suspension, in-school suspension, long-term suspension, or expulsion).

The Principal will not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation.

The Principal may also remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on a student's misconduct. This type of removal is not subject to the procedures for suspension and expulsion outlined in this policy.

### **PROCEDURES FOR LONG-TERM SUSPENSION**

**(exclusion of a student from school premises and regular classroom activities for more than ten school days.)**

The Principal, or their designee, may issue long-term suspensions at the building level. The Principal may also issue expulsions for the offenses set forth in M.G.L. c. 71, §37H and §37H½. Expulsions for other offenses are handled by the Board of Directors pursuant to M.G.L. c. 76, §16 and §17.

1. In the event of a long-term suspension or expulsion, the student will be provided oral and written notice of the charges in English and the primary language of the home if other than English. This notice shall include:
  - a. The disciplinary offense;
  - a. The basis for the charge;
  - a. The potential consequences, including the potential length of the suspension; The opportunity to have a hearing with the Principal and the guardian concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident;
  - a. The date, time, and location of the hearing; and
  - a. The right of the guardian and student to interpreter services at the hearing.
2. The Principal shall make reasonable efforts to notify the guardian orally of the opportunity to attend the hearing. To conduct the hearing without the guardian, the Principal must be able to document reasonable efforts to include the guardian. The Principal is presumed to have made reasonable efforts if the Principal sent written notice and has documented at least two (2) attempts to contact the guardian in the manner specified by the guardian for emergency notification.
3. In advance of the hearing, the student shall have the right to review the student's record and the documents upon which the Principal may rely in making a determination to suspend the student.
4. The student shall also have the right to be represented by counsel or a lay person at the choice and expense of the student/guardian.
5. At the hearing, if the student and/or guardian elects to attend, the student shall have the opportunity to present his/her version of the relevant facts and any mitigating circumstances. The student shall also have the right to produce witnesses and the right to cross-examine witnesses presented by the school. The student may request that the hearing be audio recorded by the Principal and may

request a copy of the recording. All parties must be made aware that the hearing is recorded in advance of the hearing.

6. The guardian, if present, shall have the opportunity to discuss the student's conduct and other information, including mitigating circumstances, that the Principal should consider in determining consequences for the student.
7. The Principal shall make a determination as to whether the student committed the disciplinary offenses and what consequences shall be imposed. The Principal shall notice the student and guardian in writing of his/her decision, including the following information:
  - a. The disciplinary offense, the date on which the hearing took place, and the participants in the hearing;
  - a. The key facts and conclusions reached by the Principal;
  - a. The length and effective date of the suspension and the date of return to school;
  - a. The notice the student's opportunity to receive education services to make academic progress during the suspension;
  - a. The student's right to appeal the Principal's decision to the superintendent or his/her designee if a long-term suspension has been imposed. This notice of appeal shall include the process for appealing the decision, which requires the guardian or student to file a written notice of appeal with the superintendent within five (5) calendar days of the effective date of the long-term suspension.
    - . The superintendent shall hold the hearing within three (3) school days of the student's request, unless an extension is mutually agreed to.
    - . If the student or parent's notice of appeal is not timely, the Superintendent may deny the appeal or all the appeal at his/her discretion.
    - . The superintendent shall make a good-faith effort to include the guardian in the hearing.
    - . The hearing shall be conducted to determine whether the student committed the disciplinary offense and, if so, what the consequence shall be. The hearing shall be audio recorded and a copy of the recording shall be provided to the student or guardian upon request.
    - . All the same rights as are afforded in the above long-term suspension principal's hearing shall apply to the student in a superintendent's hearing.
    - . The superintendent shall issue a written decision within five (5) calendar days of the hearing. If the superintendent determines that the student committed the disciplinary offense, the superintendent may impose the same or lesser consequence than the principal.
    - . The decision of the superintendent shall be the final decision of the school district.
  - a. If the student is in grades K-3, the Principal shall send a copy of the written determination to the superintendent and explain the reasons for the suspension before the suspension takes effect.

For more information regarding student discipline, contact your building principal.

### **Discipline of Students with IEP and 504 Plans**

All students are expected to meet the requirements for behavior as set forth in the handbooks. This is true for students with disabilities. Chapter 71B of the Massachusetts General Laws, known as 603 CMR 28.00, requires that additional provisions be made for students who have been found by an evaluation team to have special needs and whose program is described in an Individualized Educational Plan (IEP) or for students who have not yet been determined eligible for special education and related services but about whom the school district had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action. The following additional requirements apply to the discipline of students with disabilities.

## **SUSPENSION OF STUDENTS WITH DISABILITIES FOR LESS THAN TEN DAYS**

1. A Principal may suspend a student with disabilities from school for a disciplinary violation for fewer than 10 days, consistent with the school discipline code and as would be applied to a student without disabilities
2. Prior to any suspension that does not constitute a change in placement, the Principal shall consult with the student's special education liaison, Team Chairperson, and/or other relevant Team members to insure that such discipline is appropriate and not modified within the existing IEP. The principal shall verbally report all suspensions to the Director of Student Services and also provide a copy of the suspension report when complete.

## **SUSPENSION OF STUDENTS WITH DISABILITIES WHEN SUSPENSIONS EXCEED 10 CONSECUTIVE SCHOOL DAYS OR A PATTERN HAS DEVELOPED FOR SUSPENSIONS EXCEEDING 10 CUMULATIVE DAYS**

- a. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement.
2. When a suspension constitutes a change in placement of a student with disabilities, district personnel, the parent, and other relevant members of the Team, as determined by the parent and the district, convene within 10 days of the decision to suspend to conduct a Manifestation Determination Meeting. The Team must review all relevant information in the student's file, including the IEP or 504 Plan, any teacher observations, and any relevant information from the parents, to determine whether the behavior
  - a. was caused by or had a direct and substantial relationship to the disability or
  - b. was the direct result of the district's failure to implement the IEP or 504 Plan
3. If district personnel, the parent, and other relevant members of the Team determine that the behavior is NOT a manifestation of the disability, then the suspension or expulsion may go forward consistent with policies applied to any student without disabilities, except that the district must still offer:
  - a. services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals; and
  - b. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur.
4. Interim alternative educational setting. Regardless of the manifestation determination, the district may place the student in an interim alternative educational setting (as determined by the Team) for up to 45 school days
  - a. on its own authority if the behavior involves weapons or illegal drugs or another controlled substance or the infliction of serious bodily injury on another person while at school or a school function or, considered case by case, unique circumstances; or
  - b. on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is "substantially likely" to injure him/herself or others.

In either case, the interim alternative education setting enables the student to continue in the general curriculum and to continue receiving services identified on the IEP, and provides services to address the problem behavior.

5. If district personnel, the parent, and other relevant members of the Team determine that the behavior IS a manifestation of the disability, then the Team completes a Functional Behavioral Assessment and Behavioral Intervention Plan if it has not already done so. If a Behavioral Intervention Plan is already in place, the Team must review and modify it, as necessary, to address the behavior. Except when the student has been placed in an interim alternative educational setting in accordance with part 4, the student returns to the original placement unless the parents and district agree otherwise or the hearing officer orders a new placement.
6. Not later than the date of the decision to take disciplinary action, the school district notifies the parents of that decision and provides them with the written notice of procedural safeguards. If the parent chooses to appeal or the school district requests a hearing because it believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the hearing officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent and the school district agree otherwise.

#### **PROCEDURES APPLIED TO STUDENTS NOT YET DETERMINED TO BE ELIGIBLE FOR SPECIAL EDUCATION**

1. If, prior to the disciplinary action, a district had knowledge that the student may be a student with a disability, then the district makes all protections available to the student until and unless the student is subsequently determined not to be eligible. The district may be considered to have prior knowledge if:
  - a. The parent had expressed concern in writing; or
  - b. The parent had requested an evaluation; or
  - c. District staff had expressed directly to the special education director or other supervisory personnel specific concerns about a pattern of behavior demonstrated by the student.

The district may not be considered to have had prior knowledge if the parent has not consented to evaluation of the student or has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility.

2. If the district had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the district must have procedures consistent with federal requirements to conduct an expedited evaluation to determine eligibility.
3. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.

For additional information regarding the procedural protections for students with disabilities, please contact Ms. Debbie Dixon, Interim Director of Student Services.