

File: JIC - STUDENT DISCIPLINE

The School Committee believes that all students deserve every opportunity to achieve academic success in a safe, secure learning environment. Good citizenship in schools is based on respect and consideration for the rights of others. Students will be expected to conduct themselves in a way that the rights and privileges of others are not violated. They will be required to respect constituted authority, to conform to school rules and to those provisions of law that apply to their conduct.

Each Principal shall include prohibited actions in the student handbook or other publication to be made available to students and parents.

Principals and staff shall not use academic punishment of any form as a consequence to inappropriate behaviors/actions by students.

SUSPENSION

A suspension is a short-term or long-term removal from regular classroom activities.

Short-Term Suspension: The removal of a student from the school premises and regular classroom activities for 10 consecutive days or less.

Long-Term Suspension: The removal of a student from the school premises and regular classroom activities for more than 10 consecutive days, or for more than 10 days cumulatively for multiple disciplinary offenses in any school year.

In-School Suspension (ISS): The removal of a student from regular classroom activities, but not from the school premises, for no more than 10 consecutive school days or no more than 10 school days cumulatively for multiple infractions during the school year. In-school suspension for less than 10 days shall not be considered a short-term out-of-school suspension; however an in-school suspension of more than 10 days shall be deemed a long-term out-of-school suspension, and the student will be provided with due process provided in a long-term out-of-school suspension hearing.

In every case of student misconduct for which suspension may be imposed (except for possession of a dangerous weapon or controlled substance, assault on a staff member, a felony charge or conviction, or adjudication or admission of guilt with respect to such felony), a Principal/Designee shall consider ways to re-engage the student in learning; and avoid using long-term suspension from school as a consequence until alternatives have been tried. Alternatives may include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive behavioral interventions and supports.

Notice of Suspension

Except for emergency removal or an in-school suspension of less than 10 days, consecutively or cumulatively, a Principal/Designee must provide the student and the parent/guardian verbal and written notice, and provide the student an opportunity for a hearing and the parent/guardian an opportunity to participate in such hearing before imposing suspension as a consequence for misconduct. The Principal/Designee shall provide both oral and written notice to student and

parent/guardian in English and in the primary language of the home if other than English. The notice shall include the rights enumerated in law and regulation, including the notice of the charges and reasons for disciplinary hearing. To conduct a hearing without a parent/guardian present, the Principal/Designee must be able to document reasonable efforts, at least two (2) attempts, to include the parent/guardian.

Emergency Removal

A Principal/Designee may remove a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student 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/Designee shall immediately notify the Superintendent in writing of the removal including a description of the danger presented by the student.

The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the Principal/Designee shall: make immediate and reasonable efforts to orally notify the student and the student's parent/guardian of the emergency removal, the reason for the need for emergency removal, and the other matters required in the notice as referenced in the applicable regulation; provide written notice to the student and parent/guardian as required above; provide the student an opportunity for a hearing with the Principal/Designee that complies with applicable regulations, and the parent/guardian an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the Principal/Designee, student, and parent/guardian; render a decision orally on the same day as the hearing, and in writing no later than the following school day, which meets the requirements of applicable law and regulation.

A Principal/Designee shall also ensure adequate provisions have been made for the student's safety and transportation prior to removal.

In School Suspension Process (not more than 10 days consecutively or cumulatively)

In-school suspension may be imposed for violation of the student code of conduct as an alternative to short-term suspension for disciplinary offenses.

For an in-school suspension (of no more than 10 days), the Principal/Designee shall inform the student of the disciplinary offense charged and the basis of the charge. The Principal/Designee shall also provide the student with an opportunity to dispute the charges and explain the circumstances surrounding the alleged conduct. If the Principal/Designee determines that the student committed the disciplinary offense, the Principal/Designee shall inform the student of the length of the student's in-school suspension, which shall not exceed 10 days, cumulatively or consecutively, in a school year. If an in-school suspension does exceed 10 days, a long-term out-of-school suspension hearing must occur prior to the in-school suspension exceeding 10 days.

The Principal/Designee shall make reasonable efforts to verbally notify the student's parent/guardian of the disciplinary offense, the reasons for concluding the student committed the infraction, and the length of the in-school suspension on the same day as the in-school suspension and invite the parent/guardian to meet to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior, The

Principal/Designee shall also send written notice to the student and parent/guardian about the in-school suspension, including the reason and the length of the in-school suspension, and invite the parent/guardian to a meeting, if the meeting has not already occurred.

Any student receiving in-school suspension shall have the opportunity to make up assignments, tests, papers and other school work as needed to make academic progress during the removal from the classroom.

There is no right to appeal for in-school suspensions that are less than 10 days.

Short-Term-Out-of-School Suspension Process - Principal/Designee's Hearing

The hearing with the Principal/Designee shall be to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction.

At a minimum, the Principal/Designee shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information.

The student also shall have an opportunity to present information, including mitigating facts, that the Principal/Designee should consider in determining whether other remedies and consequences may be appropriate as set forth in law and regulation.

The Principal/Designee shall provide the parent/guardian, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the Principal/Designee should consider in determining consequences for the student.

The Principal/Designee shall, based on the available information, including mitigating circumstances, determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.

The Principal/Designee shall notify the student and parent/guardian of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal, as required by law and regulation. The determination shall be in writing and may be in the form of an update to the original written notice.

If the student is in a public preschool program or in grades K through 3, the Principal/Designee shall send a copy of the written determination to the Superintendent and explain the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect.

Any student receiving short-term out-of-school suspension shall have the opportunity to make up assignments, tests, papers, and other school work as needed to make academic progress during the removal from the classroom.

Appeals of Short-Term Out-of-School Suspensions

For elementary school students, an appeal is filed with the Superintendent or his/her designee.

For middle school or high school students, the appeal is filed with the Principal of the school. An appeal must be in writing and must be filed by the student's parent/guardian (or student if 18 or older) within five (5) days of the student having served the suspension.

The Principal's decision of the appeal for middle and high schools students will be made expeditiously and will be in writing. Middle and high school students may further appeal the Principal's decision in writing by the student's parent/guardian (or student if age 18 or older) within five (5) days from the date of the issuance of the Principal's decision. With the Superintendent or his/her designee. Decisions on the appeal to the Superintendent or his/her designee will be issued expeditiously and in writing.

Pending the outcome of any appeal, the disciplinary sanction imposed shall be completed and remain in effect.

Long-Term Suspension (more than 10 and less than 90 days) - Principal/Designee's Hearing

The hearing with the Principal/Designee shall be to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction.

At a minimum, in addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following rights: In advance of the hearing, the opportunity to review the student's record and the documents upon which the Principal/Designee may rely in making a determination to suspend the student or not; The right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense; The right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so; The right to cross-examine witnesses presented by the school district; The right to request that the hearing be recorded by the Principal/Designee, and to receive a copy of the audio recording upon request. If the student or parent requests an audio recording, the Principal/Designee shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent/guardian upon request.

The Principal/Designee shall provide the parent/guardian, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the Principal/Designee should consider in determining consequences for the student.

The Principal/Designee shall, based on the evidence, determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension as required by law and regulation, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The Principal/Designee shall send the written determination to the student and parent/guardian by hand-delivery, certified mail, first-class mail, email to an address provided by the parent/guardian for school communications, or any other method of delivery agreed to by the Principal/Designee and the parent.

If the Principal/Designee decides to suspend the student, the written determination shall: identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing; set out the key facts and conclusions reached by the Principal/Designee; identify the length and effective date of the suspension, as well as a date of return to school; include notice of

the student's opportunity to receive education services to make academic progress during the period of removal from school as required by law and regulation; inform the student of the right to appeal the Principal/Designee's decision to the Superintendent or designee, but only if the Principal/Designee has imposed a long-term suspension. Notice of the right of appeal shall be in English and the primary language of the home if other than English, or other means of communication where appropriate, and shall include the following information: the process for appealing the decision, including that the student or parent/guardian must file a written notice of appeal with the Superintendent within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent may request and receive from the Superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days; and that the long-term suspension will remain in effect unless and until the Superintendent decides to reverse the Principal's determination on appeal.

The Principal/Designee shall notify the parent/guardian and student of the opportunity to receive education services at the time the student is placed on long-term suspension.

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.

Appeals of Long-Term Suspensions - Superintendent's Hearing

A student who is placed on long-term suspension following a hearing with the Principal/Designee shall have the right to appeal the Principal/Designee's decision to the Superintendent.

The student or parent/guardian shall file a written notice of appeal with the Superintendent within five (5) days of effective date of the long-term suspension but may be granted an extension of time up to seven (7) additional calendar days by the Superintendent. If the appeal is not timely filed, the Superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

The Superintendent or his/her designee shall hold the hearing within three (3) school days of the student's request, unless the student or parent/guardian requests an extension of up to seven (7) additional calendar days, in which case the Superintendent shall grant the extension.

The Superintendent shall make a good faith effort to include the parent/guardian in the hearing. The Superintendent shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent/guardian and Superintendent to participate. The Superintendent shall send written notice to the parent/guardian of the date, time, and location of the hearing.

The Superintendent or his/her designee shall conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The Superintendent or his/her designee shall arrange for an audio recording of the hearing, a copy of which shall be provided to the student or parent upon request. The Superintendent shall inform all participants before the hearing that an audio record will be made of the hearing and a copy will be provided to the student and parent/guardian upon request.

The student shall have all the rights afforded the student at the Principal/Designee's hearing for long-term suspension.

The Superintendent or his/her designee will issue a written decision within five (5) calendar days of the hearing. If the Superintendent or his/her designee determines that the student committed the disciplinary offense, the Superintendent or his/her designee may impose the same or a lesser consequence than the Principal/Designee's decision, but shall not impose a suspension greater than that imposed by the Principal/Designee's decision. Pending the outcome of any such appeal, the disciplinary sanction imposed shall remain in effect. The Superintendent or his/her designee's decision is the final decision of the district.

EXPULSION

Expulsion is defined as the removal of a student from the school premises, regular classroom activities and school activities for more than ninety (90) school days, indefinitely, or permanently as allowed by law, M.G.L. c. 71, §§ 37H, 37H½.

Expulsion Due Process under M.G.L. c. 71, § 37H - Notice, Hearing, and Appeal

Principals/Designees may expel any student in grades 9-12 who on school premises or at school-sponsored or school-related events, including athletic games, commit the following offenses:

- (a) Possession of a dangerous weapon;
- (b) Possession of a controlled substance; or
- (c) Assault on a member of the educational staff.

Notice and Hearing: Any student who is charged with a violation of the above, shall be notified by telephone and in writing of an opportunity for a hearing, at which the student and his/her parent/guardian may have legal representation at their own expense, and the opportunity to present evidence and witnesses at said hearing before the Principal/Designee. After said hearing, the Principal/Designee may, at his/her discretion, decide to suspend rather than expel a student who has been determined to have committed the violation.

The Principal/Designee shall notify the parent/guardian and student of the opportunity to receive education services at the time the student is expelled.

Appeal: Any student who has been expelled pursuant to M.G.L. c. 71, § 37H, shall have the right to appeal to the superintendent. The expelled student shall have ten (10) days from the date of the expulsion in which to notify the superintendent of his/her appeal. The student shall have the right to counsel, at his or her own expense, at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has committed the expellable offense. The expulsion shall remain in effect to prior to any appeal hearing conducted by the superintendent.

Suspension/Expulsion Due Process under M.G.L. c. 71, § 37H ½ - Notice, Hearing and Appeal

Principals/Designees may suspend any student who has been charged with a felony or a felony delinquency, or to expel students convicted of or admitting to a felony or felony if a

Principal/Designee determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

Notice and Hearing: A student subject to suspension or expulsion under M.G.L. c 71, § 37 H½ shall receive written notification of the charges and the reasons for such suspension or expulsion prior to the suspension or expulsion taking effect. The student shall be afforded the due process rights set out under M.G.L. c. 37H.

Appeal: The student shall also receive written notification of his/her right to appeal to the superintendent. The suspension or expulsion shall remain in effect prior to any appeal hearing conducted by the superintendent. The Principal/Designee shall notify the parent/guardian and student of the opportunity to receive education services at the time the student is expelled.

A student may appeal the suspension or expulsion by giving a written notice requesting an appeal to the superintendent no later than five (5) calendar days from the effective date of the expulsion. The superintendent shall hold a hearing with the student and the student's parent/guardian within three (3) calendar days of the student's written request for appeal. The student shall have the right to counsel, at his or her own expense, at a hearing before the superintendent. The student may present verbal and written testimony at the appeal hearing before the superintendent.

The superintendent may overturn or alter the decision of the principal/designee and may recommend an alternate educational program for the student. The superintendent will issue a written decision within five (5) calendar days of the hearing. Pending the outcome of any such appeal, the disciplinary sanction imposed shall remain in effect. The superintendent or his/her designee's decision is the final decision of the district.

ACADEMIC PROGRESS

Any student who is suspended, for short or long term, shall have the opportunity to earn credits, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. Any student who is expelled shall have an opportunity to receive education services and make academic progress. The Principal/Designee shall inform the student and parent/guardian of this opportunity in writing, in English and in the primary language of the home, when such suspension or expulsion is imposed. The notice shall include a list of the specific education services that are available to the student and contact information for a school district staff member who can provide more detailed information.

Any student who is expelled or suspended from school for more than 10 consecutive days, whether in school or out of school, shall have an opportunity to receive education services and make academic progress toward meeting state and local requirements, through the school-wide education service plan.

The Principal/Designee shall develop a school-wide education service plan describing the education services that the school district will make available to students who are expelled or suspended from school for more than 10 consecutive days. The plan shall include the process for notifying such students and their parent/guardian of the services and arranging such services.

Education services shall be based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students under the law.

OTHER DISCIPLINARY CONSEQUENCES

Extracurricular/School-Based Activities: The Principal/Designee may, as a disciplinary measure, remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the student's misconduct. Such a removal is not subject to the due process protections under the law and/or this Policy.

Bus Privileges: A student's bus privileges may be revoked if the discipline code violation occurs on a school bus or while waiting to board, boarding, or exiting said school bus.

Involuntary Transfer: The Superintendent, or his/her designee, at his or her discretion, as a disciplinary consequence, may transfer a student from one school assignment area to another within the Newton Public Schools.

DATA COLLECTION AND REPORTING

For each student expelled or suspended from school for more than 10 consecutive days, whether in-school or out-of-school, the school district shall document the student's enrollment in education services. For data reporting purposes, the school shall track and report attendance, academic progress, and such other data as directed by the Department of Elementary and Secondary Education.

The school district shall collect and annually report data to the DESE regarding in-school suspensions, short- and long-term suspensions, expulsions, emergency removals, access to education services, and such other information as may be required by the DESE.

The Principal/Designee of each school shall periodically review discipline data by selected student populations, including but not limited to race and ethnicity, gender, socioeconomic status, English language learner status, and student with a disability status in accordance with law and regulation.

SOURCE: Newton/MASC_REVISED OCTOBER 2022

LEGAL REF: M.G.L. [71:37H](#); [71:37H ½](#); [71:37H ¾](#); [76:17](#); 603 CMR [53.00](#)

[Chapter 222 An Act Relative to Student Access to Educational Services and Exclusion from School](#)
[Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973 and Questions and Answers Addressing the Needs of Children with Disabilities and the Individuals with Disabilities Education Act's \(IDEA's\) Discipline Provisions.](#)

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