

Children's Issues Series: School Discipline

Where can I find information on school discipline in Massachusetts?

For an overview of school discipline laws in Massachusetts, see the Children's Law Center of MA website and read the quick reference guide on school discipline, <http://www.clcm.org/schooldiscipline.pdf> and the publication on suspension and expulsion, <http://www.clcm.org/edsuspension.html>. There is also a school discipline section under Education on www.masslegalservices.org.

What do the amendments to the law, Chapter 222, signed by the Governor in August 2012 mean and what difference will they make?

The school discipline laws in Massachusetts were revised on **August 6, 2012** when Governor Patrick signed into law House Bill 4332, **An Act Relative to Students' Access to Educational Services and Exclusion from School as Chapter 222** of the Acts of 2012. The new legislation will take effect on July 1, 2014. For more information, read an article about the act from the Associated Press, http://www.boston.com/news/local/massachusetts/articles/2012/08/10/new_mass_law_gives_expelled_students_more_options/, and an article on the Jewish Alliance for Law and Social Action website, <http://jewishalliance.org/2012/08/>. Rep. Alice Wolf sponsored the bill –her press release on the passage and signing of Chapter 222 is online at www.alicewolf.org.

Read the bill, a full summary and testimony at <http://www.massadvocates.org/resources-cls.php>. Following are highlights of Chapter 222:

Highlights of the Provisions of Chapter 222: An Act Relative to Students' Access to Educational Services and Exclusion from School

I. Access to Education - All Disciplinary Exclusions

- Students excluded for **more than 10 consecutive school days**, whether in or out of school, are entitled to educational services so they have an **opportunity to make academic progress**
- Principals shall develop a school-wide education service plan for all such students excluded more than 10 days.
- Schools shall provide the student and the parent or guardian with a list of alternative educational services. Upon selection of an alternative educational service by the student and parent or guardian, the school shall facilitate and verify enrollment in the service.
- Students suspended for **10 or fewer consecutive days**, whether in or out of school, shall have an **opportunity to:**
 - **make academic progress** during the period of suspension,
 - make up assignments and earn credits missed.

II. State Oversight and Responsibility for School Exclusion

- Instructional costs of alternative educational services may be eligible for **state reimbursement**. DESE shall submit an annual report to the Legislature on the alternative education instructional costs
- School districts shall report to DESE the specific reasons for all exclusions, **regardless of duration or type**.
- Under regulations promulgated by the commissioner, for each school that excludes a significant number of students for more than 10 cumulative days in a school year, the **commissioner shall**:
 - **investigate** and,
 - as appropriate, shall recommend models that incorporate intermediary steps prior to the use of exclusion.
 - The results of the analysis shall be publicly reported.
- DESE shall issue a report to the Legislature on the **costs of implementation of Chapter 222** (including the school dropout prevention provisions summarized below in Section IV) not later than **November 30, 2013**.

III. Due Process Rights and Protections: Exclusions for Non-serious Offenses

- **Non-serious offenses** are those that **do not involve drugs, weapons, and assaults on school staff, and those that do not involve felony charges filed in court**.
- School officials, when deciding the disciplinary consequences for a student, shall:
 - exercise **discretion**,
 - consider ways to re-engage the student in the learning process, and
 - avoid using expulsion as a consequence until **other remedies and consequences have been employed**.
- No student shall be excluded for a time period that **exceeds 90 school days**.
- The principal or designee shall update the notification for an exclusion. If the student is excluded for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year, the student and parent or guardian shall also receive written notification of a **right to appeal** and the process for appealing in English and the primary language spoken in the home.
- The principal or designee shall notify the superintendent of an exclusion imposed on a student enrolled in **kindergarten through grade 3** prior to such exclusion taking effect, describing the alleged misconduct and reason for exclusion.

IV. School Dropouts

- Students between the **ages of 14 and 16** who hold a permit for employment are no longer exempt from the requirement to attend school.

- Schools shall have a **pupil absence notification program**, designed to notify a parent or guardian if the school has not received notification of an absence from the parent or guardian within 3 days of the absence.
- No student who has not graduated from high school shall be considered to have permanently left public school unless the school administrator has sent notice within a period of 5 days from the student's 10th consecutive absence to the student and parent or guardian in the primary language of the parent or guardian and English, initially offering at least 2 dates and times for an **exit interview** between the superintendent or designee and the student and parent or guardian.
- DESE shall publish a model protocol for conducting exit interviews, and compile and maintain a list of alternative education resources and programs available to the student in addition to those the district may provide.