

File: JKD

STUDENT SUSPENSION POLICY

A student who is charged by means of a criminal felony complaint or a felony delinquency complaint with a felony or who engages in any of the behaviors listed below may be suspended from school for a period of time deemed appropriate by the principal if the principal finds that that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. M.G.L. ch. 71, s. 37H ½. The student may also be subject to expulsion (see Expulsion) if the student is convicted of or otherwise pleads guilty to or admits responsibility for the referenced felony charge(s). The principal will notify the police department of any such felony charges or serious misconduct, which may result in court appearances and further court-ordered penalties for the student. In-school suspension is not an option for the charges or misconduct listed below.

1. Using, possessing, distributing, or selling controlled or banned substances or items purported to be controlled or banned substances, including but not limited to: drugs, alcohol, dangerous weapons, and pyrotechnics (see *Substance Abuse and Expulsion*)
2. Arson, or starting a fire
3. Assaulting, battering or threatening serious bodily harm to a member of the faculty, staff or other persons authorized to be on school property or at a school-sponsored or school-related event (see *Chapter 71, section 37H and 37H 1/2*)
4. Any assault or threat of violence that disrupts the operation of the school and/or requires the intervention of the police or other law enforcement.

Students should be cognizant of the fact that the Principal retains the right and responsibility to all students and staff to issue penalties for acts not stated herein, to examine any mitigating factors that, in the Principal's judgment, should be considered, and to utilize penalties stated herein as guidelines (which may be adjusted to reflect the seriousness of the conduct in question).

Furthermore, though progressive discipline is generally used, the Principal reserves the right to apply all provisions of this handbook consistent with what he/she determines to be in the best interest of the learning environment and educational processes in the school.

In all cases, the decision of the school principal or his/her designee may be appealed. See the Student Handbook for Appeals Process.

Effective July 1, 2014, the following policy shall govern the suspension and expulsion of Sharon students who engage in misconduct not specifically covered by M.G.L. ch. 71, s. 37H (dangerous weapons or drugs) or s. 37H ½ (felony).

- (1) The principal or other decision maker regarding a student's suspension or expulsion shall exercise his/her discretion in the disciplinary process and determination; shall

consider ways to re-engage the student in the learning process; and shall avoid using expulsion until other remedies and consequences have been employed.

- (2) The principal or his/her designee shall provide the student and his/her parent or guardian notice of the charges and the reason for the suspension or expulsion, both in English and in the primary language spoken in the home of the student (if not English). The student shall have the opportunity to meet with the principal or designee to discuss the charges and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect. The principal or designee shall ensure that student's parent or guardian is included in the meeting, provided that if the principal or designee can document reasonable but unsuccessful efforts to include the parent or guardian in that meeting, such meeting may take place without the parent or guardian.
- (3) At the meeting referenced in subsection (2) above, the principal or his/her designee shall permit the student and/or his parent/guardian to submit witnesses, information, written statements, documents and other relevant evidence that directly relate to the misconduct being alleged and/or to the suspension or expulsion being proposed. Although the student and/or his parent/guardian shall not have the right to counsel or cross-examination at, or the right to record, the principal's (or designee's) meeting, the student and/or his parent/guardian (if present) shall be fully apprised at the meeting of the relevant facts and circumstances underlying the alleged misconduct and the proposed suspension or expulsion. The principal or designee may decline to accept any evidence or other information that he/she deems is not directly relevant to the alleged misconduct and/or the proposed suspension or expulsion. The principal's meeting shall be conducted with decorum, and the principal shall have the right to exclude any person whose behavior at the meeting is unreasonable in the judgment of the principal or designee. The principal or designee may continue the meeting in his/her discretion, if necessary to ensure a fair hearing.
- (4) If a decision is made to suspend or expel the student after the principal's or designee's meeting, the principal or designee shall update the notification for the suspension or expulsion to reflect the meeting with the student. If a student is suspended or expelled 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 his/her parent or guardian shall also receive, at the time of the suspension or expulsion decision, written notification of a right to appeal and the process for appealing the suspension or expulsion, in English and in the primary language spoken in the home of the student (if not English); *provided, however*, that the suspension or expulsion shall remain in effect prior to any appeal hearing. The principal or designee shall notify the Superintendent in writing, including, but not limited to, by electronic means, of any out-of-school suspension of one (1) day or more imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school.

- (5) A student who has been suspended or expelled from school for more than ten (10) school days for a single infraction or for more than ten (10) school days cumulatively for multiple infractions in any school year shall have the right to appeal the suspension or expulsion to the Superintendent. The student or his/her parent or guardian shall notify the Superintendent in writing of a request for their appeal not later than five (5) calendar days following the effective date of the suspension or expulsion; provided, that a student and his/her parent or guardian may request, and if so requested, shall be granted, an extension of up to seven (7) calendar days to request an appeal. The Superintendent or designee shall hold a hearing with the student and his/her parent or guardian within three (3) school days of the student's request for an appeal, provided that a student or his/her parent or guardian may request and, if so requested, shall be granted, an extension of up to seven (7) calendar days for the appeal hearing; provided further, that the Superintendent, or a designee, may proceed with a hearing without a parent or guardian of the student if the Superintendent, or a designee, makes a good faith effort to include the parent or guardian. At the hearing, the student shall have the right to present oral and written testimony, cross-examine witnesses and shall have the right to counsel. The Superintendent shall render a decision on the appeal in writing within five (5) calendar days of the hearing. That decision shall be the final decision of the school district with regard to the suspension or expulsion.
- (6) No student shall be suspended or expelled from a school for a time period that exceeds 90 school days, beginning the first day the student is removed from an assigned school building.

Legal Ref.: M.G.L. 71:37H, Policies Relative to Conduct of Teachers and Students; School Handbooks
M.G.L. 37H ½, Felony Complaint or Conviction of Student; Suspension; Expulsion; Right to Appeal

See Doe v Rizzi (Superior Court July 2013, Stoughton School District)
DESE Advisory Opinion on School Discipline, January 27, 1994

Revised: February 12, 2014