

## SUSPENSION CHART FOR PRINCIPALS

<p style="text-align: center;"><b><u>MGL c. 71 §37H</u></b>  <i>Possession of a dangerous weapon or controlled substance; assault on staff</i></p>	<p style="text-align: center;"><b><u>MGL c. 71 §37H ½</u></b>  <i>Felony charge and/or Felony conviction</i></p>	<p style="text-align: center;"><b><u>MGL c. 71 §37H ¾**</u></b>  <i>Everything that is NOT Possession of a dangerous weapon or controlled substance; assault on staff; a felony charge and/or felony conviction</i></p>
<p><b>Step One: Issue short term suspension pending P's hearing on long term suspension.</b> <u>Prior</u> to short term suspension, provide oral notice of the offense and opportunity to respond; and then notice of suspension in writing.</p> <p><b>Step Two: Before expiration of short term suspension, provide notice of principal's hearing on possible long term suspension.</b> Issue written notice of P's hearing stating student's right to have representation (at private expense), opportunity to present evidence and witnesses at hearing;</p> <p><b>Step Three: Conduct principal's hearing.</b> (standard is whether student committed alleged disciplinary offense).</p> <p><b>Step Four: Issue written determination letter:</b></p>	<p><b>Step One: Consider the standard.</b> Whether student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.</p> <p><b>Step Two: Issue written notice.</b> Provide written notice of charges and reason for suspension <u>prior</u> to suspension taking effect; right to appeal to superintendent within 5 days following effective date of suspension; right to legal counsel (at private expense) at super's hearing, right to oral and written testimony at super's hearing. Right to received educational services during period of suspension/expulsion.</p> <p><b>*Note that a principal's hearing is not required by statute for suspension, but is advisable given consequences for student.</b></p>	<p><b>Step One: Provide oral and written notice of principal's hearing <u>prior</u> to any suspension.*</b></p> <ul style="list-style-type: none"> <li>• <u>For possible short term suspension:</u> Include notice of the charges and the opportunity to meet with the principal or designee to discuss charges and reasons for the suspension and/or exclusion. Purpose of the principal's hearing is to hear and consider information, provide student an opportunity to dispute charges and explain circumstances, determine if the student committed the offense, and if so, the consequences for the infraction. Notice must include the offense, basis for the charge, potential consequences (including length of suspension), opportunity for hearing including opportunity to dispute charges and for parent to attend, the date, time, and location of the hearing; the right to interpreter services.</li> <li>• <u>For possible long term suspension:</u> Include same notice provisions for short term, plus the opportunity to review the student's record and the documents upon which the principal may rely in advance of hearing, the right to be represented by counsel or a lay person(at private 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; and the right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording provided to the student or parent upon request.</li> </ul> <p><b>Step Two: Conduct principal's hearing in accordance with short/long term requirements.</b> Determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.</p>

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Decision with respect to expulsion/suspension, right to appeal determination to Superintendent (10 days from the date of the determination to appeal), right to educational services during period of suspension, right to counsel at super's hearing (at private expense).		<p><b>Step Three: Issue written notice of consequence.</b></p> <ul style="list-style-type: none"> <li>• <u>For short term suspension</u>: the determination and reasons for it. 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. K-3: Super notified in writing before suspension takes effect.</li> <li>• <u>For long term suspension</u>: Identify disciplinary offense, hearing date, and participants. Set out the key facts and conclusions reached, length and effective date of the suspension, return date. Include notice of opportunity to receive education services to make academic progress. Inform the student of the right to appeal the decision to the superintendent, <i>but only for a long-term suspension</i>. Notice of right to appeal shall be in primary language of the home and shall include the process for appealing the decision (must file a written notice of appeal within five calendar days of the effective date of the long-term suspension, and that long-term suspension will remain in effect unless and until the superintendent decides to reverse the principal's decision. K-3: Super notified in writing before suspension takes effect.</li> </ul>
<b>Maximum Suspension:</b> Expulsion	<b>Maximum Suspension:</b> If student is charged with felony, he/she may be suspended while felony pending. If felony is resolved, student comes back immediately. If student is convicted, he/she may be expelled.	<p><b>Maximum Suspension:</b> 90 days.</p> <p><b>*Remember Emergency Removal is an option</b> when 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. Two days maximum. Make immediate and reasonable efforts to orally notify the student and the student's parent of the emergency removal. Hold principal's hearing as above within two school day.</p> <p><b>**Note that requirements for notices and hearings is condensed for this chart. See 603 CMR 53.00 for full requirements.</b></p>