



## **SUSPENSION POLICY and PROCEDURES**

***SE 45 and 46  
603 CMR 18.05(6)  
34 CFR 300***

A suspension is any occurrence in which a student is kept home for a full school day for disciplinary reasons. Sending a student home “early”, or an in-school suspension in which a student is not receiving instruction from either a licensed teacher or a paraprofessional who is being supervised by a licensed teacher and whose IEP does not allow for modification of learning time requirements by the Board of Elementary and Secondary Education, is also considered a suspension. Suspension is rarely used as a disciplinary measure. However, suspension is considered in the event that a student:

- 1) Assaults a staff or peer
- 2) Makes a serious threat and is not able to contract for safety and/or is a danger to self or others
- 3) Brings a weapon to school
- 4) Engages in serious destruction of property
- 5) Demonstrates continuous disrespect for school rules and authority figures

And has not responded to:

- 1) Time-outs
- 2) Use of the quiet room
- 3) De-escalation strategies up to and including physical restraint(s)
- 4) Proactive calls to parents
- 5) Problem solving with school counseling staff

Prior to determining if a student will be suspended, the student and parent will be provided with oral and written notice, and the student will be provided an opportunity for a hearing on the charge and the parent an opportunity to participate in that hearing. Written notices shall be in the primary language of the home and contain the following information:

- 1) Disciplinary offense
- 2) Basis for the charge
- 3) Potential consequences – including potential length of suspension
- 4) Opportunity for the student to have a hearing with the principal where he/she can dispute the charges and/or present their explanation of alleged incident

- 5) Opportunity for the parent to attend the hearing
- 6) Date, time, and location of the hearing
- 7) Right to interpreter services if needed

If a long-term suspension is being considered, oral and written notification shall also include:

- 1) The right to review the student's record including all documents being used to make a disciplinary determination prior to the hearing
- 2) The right to be represented by counsel or lay person of the student's choice, at the student/parent's expense
- 3) The right to produce witnesses on the student's behalf
- 4) The right to cross-examine witnesses presented by the school district
- 5) The right to have the hearing recorded by the principal and to receive a copy of the recording upon request
- 6) The right to appeal the decision to the executive director in writing within 5 days or request on an extension for filing for up to 7 days. If the appeal exceeds the time frame, the executive director can deny the appeal or allow it at his/her discretion.
  - a. The executive director will hold the appeal hearing within 3 school days of receipt of written request.
  - b. If the student requests the hearing, the executive director shall make a good faith effort to include the parent in the hearing and send written notice to the parent of the date, time and location of the hearing.
  - c. The executive director shall audio record the hearing and provide notice to all parties that it is being recorded. A copy of the recording shall be provided, upon request, to the student/parent.
  - d. The student shall have all the same rights during the executive director appeal process as in the program director's hearing process for long-term suspensions
  - e. The executive director will issue a finding within 5 calendar days of the hearing

If the Program Coordinator or an appointed staff member makes the determination that a student needs to be suspended, a call is placed to the student's parent and staff makes sure that a responsible adult is available to receive the child. No student will be sent home unless a responsible adult is available to receive the child. In the event that a parent is unable or unwilling to pick a child up from school and, if the child continues to pose a serious threat to the safety of him/herself or others, the police or crisis team is called.

Whenever a student is suspended, the school immediately notifies the parents or guardian and sending district responsible for the placement, orally and in writing. A mandatory meeting with parents, student and school staff takes place prior to the student being re-entered into the program. Rarely does a student receive more than a one-day suspension; however, if this happens, or if the student does not respond to a re-entry meeting, a second meeting with the parents, a representative from the sending district and school staff will take place in order to explore all possible program modifications within the school, and in an attempt to prevent termination of the student from the program. If a decision is made to suspend a student

in grades k-3, a copy of the written determination shall be sent to the executive director explaining the reasons for imposing an out-of-school suspension before that suspension takes place.

### 3-5 Day Suspensions

If a student has been suspended for three (3) consecutive school days or five (5) non-consecutive school days in a school year, the school, parents, and LEA, consistent with federal requirements, shall explore together all possible program modifications within the school in an attempt to prevent more lengthy suspension of the student from the program.

LABBB Collaborative Program shall record and track the number and duration of suspensions, including suspensions from any part of the student's IEP program including transportation.

### Long-Term Suspensions - 10+ Day Suspensions

When suspensions exceed 10 consecutive school days or is one of a series of suspensions exceeding 10 cumulative days, LABBB Collaborative has developed the following procedures.

- Notify the parent orally and in writing, no later than the date of the disciplinary action, of the decision to suspend and provides the parent with written notice of procedural safeguards.
- A request is made of the student's responsible school district to convene a TEAM meeting to conduct a manifestation determination prior to a suspension that constitutes a change in placement of a student with disabilities.
  1. The program participates in the TEAM meeting to:
    - Review all relevant information to determine whether the student's behavior was a manifestation of the student's disability (i.e. to determine the relationship between the disability and the behavior), or if the behavior was a direct result of the failure to implement the IEP.
    - Review the functional behavior assessment (if one has been conducted) or determine if an FBA is needed, and develop, review and/ or modify a behavior support plan;
    - Identify appropriate alternative educational setting (s);
- If the TEAM determines that the behavior is NOT a manifestation of the disability, the school may suspend or terminate the student consistent with policies applied to any other student in the program. The responsible school district must, however, offer an appropriate education program to the student that may be in some other setting.
- If the TEAM determines that the behavior IS a manifestation of the disability, the TEAM takes steps to modify the IEP, the behavior support plan, and/or the placement if the TEAM determines that a change in placement is necessary. If the Collaborative believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the Collaborative may invoke the authority of a hearing officer.
- If the TEAM determines that the behavior was a direct result of LABBB's failure to implement the IEP, the TEAM takes the necessary steps to ensure that all parts of the IEP are being implemented or determines that the IEP needs to be amended based on new information.

### **In-School Suspension** (MGL c.71, section 37H3/4)

The coordinator/director may use in-school suspension as an alternative to short-term suspension for disciplinary offenses. Prior to determining if an in-school suspension will be imposed, the coordinator/director shall inform the student of the disciplinary offense charged and the basis for the charge and provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the coordinator/director determines that the student committed the disciplinary offense, he/she shall inform the student of the length of the in-school suspension, not to exceed 10 days cumulatively or consecutively, in a school year. The student will have the opportunity to make academic progress during in-school suspension.

On the same day of the in-school suspension decision, the coordinator/director shall make reasonable efforts (at least 2 attempts) to notify the parent of the disciplinary offense, the reasons for concluding the student committed the infraction, and the length of the in-school suspension, orally and as soon as possible after the decision is made. Attempts to reach the parent shall be documented. The coordinator/director shall also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. The meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible.

The coordinator/director shall send written notice to the student and parent about the in-school suspension, including the reason and length of the suspension, and inviting the parent to a meeting if it has not already occurred.

### **Collaborative-Wide Education Services and Academic Progress under Sections 37H, 37H1/2, and 37H3/4**

- (1) Any student who is serving an in-school suspension, short-term suspension, long-term suspension, or expulsion shall have the opportunity to earn credits, as applicable, 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. The coordinator/director shall inform the student and parent/guardian of this opportunity in writing when such suspension or expulsion is imposed.
- (2) Any student who is expelled or suspended from school for more than ten (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 Coordinator/Director of the student's program shall work with the sending school district to arrange for the provision of services and notify the student and their parent/guardians of the 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 G.L. c 69, §§ 1D and 1F. and shall provide services that align with the student's IEP goals and objectives. Services may be provided in various ways depending on the student's needs and may include academic tutoring and related services as indicated (OT, PT, SLP, Counseling). LABBB may contract for such services with an outside agency.

- (4) Notice of Education Services for Students in Long-Term Suspension and Expulsion; Enrollment Reporting.
  - (a) The coordinator/director shall notify the parent and student of the opportunity to receive education services at the time the student is expelled or placed on long-term suspension. Notice shall be provided in English and in the primary language spoken in the student's home if other than English, or other means of communication where appropriate. 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.

- (b) For each student expelled or suspended from school for more than ten (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.

### **Emergency Removal (MGL c.71, section 37H3/4)**

The Program Coordinator or Director 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 coordinator/director's judgement, there is no alternative available to alleviate the danger or disruption. Temporary removal shall not exceed 2 school days following the day of the emergency removal.

Procedures:

- 1) The coordinator/director must ensure adequate provisions have been made for the student's safety and transportation before emergency removing the student.
- 2) During the removal the coordinator/director shall make immediate and reasonable efforts to orally notify the student and the student's parent of the emergency removal, the reason for the need for emergency removal, and their rights as they pertain to suspension as noted above.
- 3) A written notice of emergency removal will also be provided to the student and parent, consistent with the notice of suspension and hearing.
- 4) The student will be offered a hearing consistent with the requirements for the director's hearing for short or long-term suspension prior to the expiration of the 2-day emergency removal unless the parent agrees otherwise.
- 5) Once a hearing has taken place, the coordinator/director will render a decision orally on the same day and in writing no later than the following school day.

All incidents of suspension, including in-house, and emergency removal will be documented in LABBB's electronic incident reporting system and reported to DESE annually. The need to disaggregate data based on selected populations to date, has not been necessary as suspension as a disciplinary action is not frequently used at LABBB. If the need to suspend students increased, LABBB would ensure a system for the periodic review of such data to assess whether suspension was specifically affecting select populations including students': race and ethnicity, gender, socioeconomic status, English learner status, and disability status. The directors would also meet to assess the need to modify LABBB's disciplinary practices due to an over-reliance on suspension compared to other students.