

HOUSE No. 355

The Commonwealth of Massachusetts

PRESENTED BY:

James J. Dwyer

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to student conduct.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>

HOUSE No. 355

By Mr. Dwyer of Woburn, a petition (accompanied by bill, House, No. 355) of James J. Dwyer and Michael S. Day relative to suspensions or expulsions of public school students. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to student conduct.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. Chapter 222 of the Acts of 2012 is hereby amended in Section 1 by striking
2 (g) and inserting the following section:

3
4 (g) Under the regulations promulgated by the department, for each school that suspends
5 or expels a significant number of students for more than 15 consecutive days in a school year, the
6 commissioner shall investigate and, as appropriate, shall recommend models that incorporate
7 intermediary steps prior to the use of suspension or expulsion. The results of the analysis shall be
8 publicly reported at the school district level.

9
10 And further in by striking Section 3 (d) and inserting the following Section

11

12 (d) If a decision is made to suspend or expel the student after the meeting, the principal or
13 headmaster, or a designee, shall update the notification for the suspension or expulsion to reflect
14 the meeting with the student. If a student has been suspended or expelled for more than 11
15 consecutive school days for a single infraction or for more than 15 consecutive school days for
16 multiple infractions in any school year, the student and the parent or guardian of the student shall
17 also receive, at the time of the suspension or expulsion decision, written notification of a right to
18 appeal and the process for appealing the suspension or expulsion in English and in the primary
19 language spoken in the home of the student; provided, however, that the suspension or expulsion
20 shall remain in effect prior to any appeal hearing. The principal or headmaster or a designee shall
21 notify the superintendent in writing, including, but not limited to, by electronic means, of any
22 out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to
23 such suspension taking effect. That notification shall describe the student's alleged misconduct
24 and the reasons for suspending the student out-of-school. For the purposes of this section, the
25 term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to
26 remove a student from participation in school activities for 1 day or more.

27

28 And further in by striking Section 3 (e) and inserting the following Section

29

30 (e) A student who has been suspended or expelled from school for more than 11
31 consecutive school days for a single infraction or for more than 15 consecutive school days for
32 multiple infractions in any school year shall have the right to appeal the suspension or expulsion
33 to the superintendent. The student or a parent or guardian of the student shall notify the

34 superintendent in writing of a request for an appeal not later than 5 calendar days following the
35 effective date of the suspension or expulsion; provided, that a student and a parent or guardian of
36 the student may request, and if so requested, shall be granted an extension of up to 7 calendar
37 days. The superintendent or a designee shall hold a hearing with the student and the parent or
38 guardian of the student within 3 school days of the student's request for an appeal; provided that
39 a student or a parent or guardian of the student may request and, if so requested, shall be granted
40 an extension of up to 7 calendar days; provided further, that the superintendent, or a designee,
41 may proceed with a hearing without a parent or guardian of the student if the superintendent, or a
42 designee, makes a good faith effort to include the parent or guardian. The superintendent shall
43 render a decision on the appeal in writing within 5 calendar days of the hearing. That decision
44 shall be the final decision of the school district with regard to the suspension or expulsion.